

**STATE VOCATIONAL REHABILITATION
SERVICES PROGRAM**

**FY 2001 MONITORING AND
TECHNICAL ASSISTANCE GUIDE**



U.S. DEPARTMENT OF EDUCATION

**OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES**

REHABILITATION SERVICES ADMINISTRATION

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, DC 20202

INFORMATION MEMORANDUM

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ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
STATE REHABILITATION COUNCILS
CLIENT ASSISTANCE PROGRAMS

AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE
GRANTS
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: FY 2001 Monitoring and Technical Assistance Guide for the State
Vocational Rehabilitation Services Program

CONTENT: Section 107 of the Rehabilitation Act, as amended in 1998, requires the RSA Commissioner to conduct annual reviews and periodic on-site monitoring of programs under this title to determine whether a State vocational rehabilitation (VR) agency is complying substantially with the provisions of its State plan under section 101 of the Act and with the Evaluation Standards and Performance Indicators established under section 106. RSA has developed this FY 2001 Monitoring and Technical Assistance Guide (the Guide) to fulfill the requirements of section 107 of the Act.

The attached FY 2001 Guide contains the RSA procedures for the conduct of annual reviews. The Guide can also be used by State VR agencies as a self-assessment tool. During FY 2001, each of the 80 State VR agencies will be reviewed for the annual requirements using the four focus areas in the attached Guide.

Each year RSA develops monitoring focus areas to determine the level of implementation of certain requirements and national initiatives and to assess the nature and scope of technical assistance needed. The FY 2001 focus areas are:

- State VR Participation in the Workforce Investment Act and the Impact on Eligible Individuals with Disabilities;
- Evaluation Standards and Performance Indicators;
- Comprehensive System of Personnel Development; and
- Eligibility.

INQUIRIES: In order to obtain additional copies of the Guide or to obtain the Guide in alternate formats, contact your RSA Regional Office; contact information can be found at the end of the Guide. You may also reach the RSA Central Office Monitoring Unit at:

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The Guide, as well as the sub-regulatory guidance referenced in the Guide,
are also available at the RSA Web Site: ww.ed.gov/offices/OSERS/RSA

Mark E. Shoob
Deputy Commissioner

Attachment

cc: COUNCIL OF STATE ADMINISTRATORS OF VOCATIONAL REHABILITATION
NATIONAL ASSOCIATION OF PROTECTION AND ADVOCACY SYSTEMS
NATIONAL COUNCIL ON INDEPENDENT LIVING
NATIONAL REHABILITATION FACILITIES COALITION

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INTRODUCTION

During Fiscal Year (FY) 2001, RSA will continue to conduct annual reviews and periodic on-site monitoring as required in section 107 of the Rehabilitation Act, as amended in 1998 (the Act).

The purpose for this monitoring is to assess State vocational rehabilitation (VR) agency performance in assisting eligible individuals with disabilities to achieve employment outcomes, and to determine compliance with the assurances made in its State plan and with the Evaluation Standards and Performance Indicators established under section 106 of the Act.

RSA uses the Monitoring and Technical Assistance Guide (Guide) as its uniform monitoring instrument. A companion document, the RSA Monitoring Manual (Manual), contains additional monitoring and technical assistance guidance on topics such as: Eligibility; Financial Requirements; Mediation and Due Process Procedures; Composition and Functions of the State Rehabilitation Council; Order of Selection; Informed Choice; and, Service Record Documentation Requirements, that may be used, when appropriate. The Manual will be published and disseminated separately from the Guide, and will be placed on RSA's web site, along with other RSA guidance, located at www.ed.gov/offices/OSERS/RSA.

Each year, RSA selects monitoring focus areas to determine the level of implementation of certain requirements and national initiatives, and to assess the nature and scope of technical assistance needed by the Public VR program. This information is used to report to Congress and the Commissioner and to make decisions regarding funding and training priorities. This year, RSA will emphasize the following four focus areas during its annual reviews:

- **Focus Area I: State VR Program Participation in the Workforce Investment Act (WIA) and the Impact on Eligible Individuals with Disabilities.** RSA's monitoring approach is to begin with larger statewide policies and issues, and then gradually refine the review to focus on the impact of the WIA at the local level. The first two sections of this portion of the Guide examine the designated State unit's (DSU's) ¹ participation in State and local governance of WIA. The third section is an on-site review instrument that is to be used when reviewing the participation of the VR program in at least one One-Stop Center within the State. This review will involve interviews with VR staff working at the Center, other staff working at the Center, as well as individuals being served by the VR program at the Center. The fourth section contains an abbreviated service record review instrument to be used during the on-site review at the One-Stop Center. This instrument focuses on eligibility, timeliness of service, substantiality of service, and employment outcomes.
- **Focus Area II: Evaluation Standards and Performance Indicators.** This focus area provides an opportunity for RSA to review the performance of the DSU on the Evaluation Standards and Performance Indicators that were published in final regulations on June 5, 2000. FY 1999 Data on DSU performance will be available for these reviews. While it is important for RSA to discuss performance with DSU management staff, it is particularly important to provide technical assistance to those DSUs that (1) fail either or both Standards I and II; (2) fail to meet one or more indicators but pass Standard I; or (3) narrowly pass one or more indicators. The review will focus on those DSU policies, procedures and practices that may be causing low performance on the particular indicator(s). If a DSU fails a standard

based on FY 2000 data, RSA will require that agency to develop a program improvement plan. RSA expects that the provision of technical assistance this year will be helpful to a DSU in improving its performance in future years, when failure to pass a standard will have more serious consequences.

- **Focus Area III: Comprehensive System of Personnel Development (CSPD).** This portion of the Guide requires RSA reviewers to determine if a DSU has a standard for VR counselors set in its CSPD that complies with section 101(a)(7) of the Act and if it is making substantial progress toward achieving this standard. This review will largely be based on the CSPD State plan attachment that was approved during FY 2000, and approval of the FY 2001 CSPD attachment will be contingent on the results of these monitoring activities.
- **Focus Area IV: Eligibility.** RSA will use the abbreviated service record review instrument referenced above under Focus Area I to monitor DSU practices in determining the eligibility of individuals with disabilities.

RSA reviewers are asked to conduct a sufficient review of the issues surrounding each focus area so as to make a fair and objective determination. It is not expected, nor appropriate, for RSA regional office staff to conduct in-depth reviews of each item. RSA staff are knowledgeable of the specific circumstances existing in each State based upon the ongoing reviews of State plans and other DSU documents and materials, findings obtained during previous monitoring activities, and information obtained from the State Rehabilitation Council (SRC), Client Assistance Program (CAP), people served by the VR program or One-Stop Center and members of their families, and other sources. Repetitive reviews of materials that have not been revised are unnecessary and ineffective in improving DSU performance. In implementing a monitoring system that promotes continuous quality improvement, RSA is in constant contact with the numerous stakeholders in the Public VR program.

Stakeholders in the Public VR program have asked RSA to better publicize particularly effective practices for assisting individuals to achieve employment outcomes as well as other innovative strategies for fulfilling the intent of the Act. The development of a database containing this information may be useful in improving service delivery for individuals with disabilities; therefore, the responses to the three questions listed below will be included in the web-based report form that tracks the questions in this Guide to be developed to provide RSA Regional Office staff a vehicle for reporting findings to the RSA Central Office. As the Federal agency charged with providing leadership in promoting the employment of individuals with disabilities, particularly individuals with significant disabilities, RSA requires this documentation in order to maintain an effective and accountable monitoring system. It is RSA's hope that the effective practices may be replicable in other States, whereas the documentation of technical assistance needs and barriers to compliance will be used to target additional resources, including training, and to develop appropriate Federal policy. The identification of VR programs and practices as technical assistance resources, or as in need of technical assistance, is largely a function of professional judgment and is based on the information obtained during the entire monitoring review.

After completing all monitoring review activities, RSA staff will be able to respond to the following three questions, indicating the relevant item number from the Guide as a reference point:

1. ____ YES ____ NO Has the review of the VR program identified any particularly effective practices that may be replicated elsewhere (§14 (f) of the Act)? Please describe.
2. ____ YES ____ NO Has the review of the VR program identified any barriers or compliance issues, which RSA must address (§107(b)(2) of the Act)? Please describe.
3. What technical assistance was provided and/or is needed (§12(a)(1) and §107(b)(1) of the Act)? Please describe.

At the conclusion of annual review activities, RSA will develop a draft monitoring report that will include the findings from the four focus areas contained in the Guide. Following the necessary reviews of that report within RSA, the RSA Regional Commissioner will then send the draft report to the State VR agency director for review and comment. The State VR agency will be afforded 30 days to comment on the draft report. The comments received will be reviewed and, where appropriate, the review team's responses to those comments will be integrated into the final monitoring report. This final report will be issued within 30 days of the receipt of comments. It will be provided to the State VR agency director with copies to the chairperson of the State Rehabilitation Council and RSA Central Office.

¹With regard to the administration of the State's VR program, the Rehabilitation Act requires that each State establish either: (1) a "designated State agency" that is primarily focused on the rehabilitation of individuals with disabilities; or (2) both a "designated State agency" and, within that agency, a "designated State unit" that is primarily focused on the rehabilitation of those with disabilities. In other words, the entity that is responsible for carrying out the VR program in the State is either a stand-alone State agency (Option 1 above) or a VR program unit located within a State agency (Option 2). Throughout most of this Guide, we use the terms "designated State unit" ("DSU"), "VR agency," and "State VR agency" to refer to the entity carrying out the VR program in the State regardless of which of the two organizational options the State follows. The Rehabilitation Act uses the term "designated State unit" in the same fashion. References to "designated State agency" are also used when it is necessary distinguish between that agency and the designated State unit (e.g., in Section I, A. regarding representation on the State Board)." For additional information, refer to the "Designated State Agency and Designated State Unit Requirements" chapter in the RSA Monitoring Manual.

FOCUS AREA I

**State VR Participation in the Workforce Investment Act and the Impact on Eligible
Individuals with Disabilities**

Introduction

During FY 2001, RSA will continue to review the participation of the VR program in the WIA environment. The review will focus on the impact of the new One-Stop System on service delivery to individuals served by the VR program. In addition to reviewing State and local implementation of the WIA requirements pertaining to the VR program, RSA will conduct on-site monitoring in at least one One-Stop Center in each State. On-site monitoring will include interviews with staff and persons served by the VR program, and service record reviews. The purposes for this monitoring are to:

- Determine the impact of the One-Stop Center on individuals served by the VR program;
- Review the status of the implementation of the VR program in the One-Stop System;
- Assess VR program compliance with Federal requirements; and
- Determine the need for, and provide when appropriate, technical assistance to improve compliance and/or agency performance in providing quality services to people with disabilities, particularly people with significant disabilities.

This guidance is divided into the following four sections: I. DSU Participation in State Governance of the WIA; II. DSU Participation in Local Governance of the WIA; III. DSU Participation in the One-Stop Center; and, IV. Service Record Review Guide. Sections I and II require the review of documents and other materials, and discussions with DSU staff and other persons involved in implementing and improving VR program participation in the One-Stop System.

The following instructions are provided for RSA staff:

- Items preceded by a box indicate VR program requirements related to the Rehabilitation Act, as amended in 1998, its implementing regulations, or subregulatory guidance. RSA staff must address these items.
- ◆ Items preceded by a diamond indicate VR program fiscal requirements related to the Act that must be addressed. The RSA Financial Management Specialist, in collaboration with the RSA State Representative, should conduct this review.
- W Items preceded by a “W” indicate WIA requirements that are deemed important inasmuch as they impact upon the VR program and individuals with disabilities. It is *strongly recommended* that these items be addressed during the RSA review.
- O Items preceded by an “O” are optional for RSA staff to address. These items are suggested in order to assist the Federal reviewers in following up responses to the required items, and also to assist the RSA Central Office in obtaining additional information regarding the status of VR program implementation efforts in the One-Stop System.
- * * Items that are followed by two asterisks indicate that an explanation is necessary to fully respond.

Note that when an item contains two or more questions, then the reviewer is asked to answer the first question with YES/NO/NA, and provide additional responses in the space provided.

It is understood that the use of this section of the Guide will be tailored to the needs of the DSU being reviewed since States are at different stages in their participation under WIA. For this reason, RSA staff is expected to be flexible in building upon the results of past surveys and reviews of the State's implementation of the One-Stop System, and adopt an approach that meets the individualized needs of that State.

RSA staff is expected to engage in a reciprocal sharing of monitoring plans and findings with other Federal agencies responsible for the implementation of the WIA in order to emphasize the Federal partners' investment in the success of the One-Stop service delivery system and to improve accountability in conducting oversight activities. It is expected that this cooperative model will lead to better methods for promoting effective practices and for providing technical assistance to those States needing such assistance.

Section I. DSU Participation in State Governance of the WIA

The first step in the implementation of the WIA is the establishment of a State Workforce Investment Board (State Board) under WIA §111(b), or the designation of an existing alternative entity to serve in lieu of a State Board in accordance with WIA §111(e). For FY 2001 monitoring, all States will have established a State Board or an alternative entity to act as a State Board as required by law.

A. Representation on the State Board

These questions pertain to the representation of the DSU (or the designated State agency if that agency is primarily focused on rehabilitation and does not include a VR unit; see footnote 1) in planning and implementing the State workforce investment system. The State unit administering the VR program can be represented on the State Board, an alternative board elected by the Governor under WIA §111 (e), or in the case of an alternative board that does not include the State unit, in an alternative manner described in the State plan for the workforce investment system.

It is expected that the director of the designated State unit will serve on the State Board as the representative of the VR program. In fact, if the director of the State unit does not represent the State VR program on the State Board, then the State must describe in its State plan for the workforce investment system how the State Board member representing the VR program will effectively represent the interests, needs, and priorities of the VR program and how the employment needs of individuals with disabilities in the State will be addressed by the State Board.

W 1.1 ☐ YES ☐ NO ☐ NA If the State appointed a new State Board pursuant to WIA §111(b), is the director of the DSU a voting member of the new State Board?

Answer NA if the State did not elect to appoint a new State Board pursuant to WIA §111(b).

W 1.2 ☐ YES ☐ NO ☐ NA If the answer to 1.1 is NO, then does the State describe in its State plan how the member of the State Board represents the DSU and people with disabilities as described above?

If yes, briefly describe the method to provide input to the Board.

* *

W 1.3 ☐ YES ☐ NO ☐ NA If the State has chosen to use an alternative board pursuant to WIA §111(e), is the director of the DSU a member of the alternative board?

Answer NA if the State did not elect to use an alternative board.

W 1.4 ☐ YES ☐ NO ☐ NA If the State elected to use an alternative board that DOES NOT include the director of the DSU, has the State developed a method of involving the DSU in the development of the State workforce investment system and the State plan for the workforce investment system that is satisfactory to the DSU?

Answer NA if the State did not elect to use an alternative board, or if the DSU is represented on the alternative board.

If YES, briefly describe the method used to involve the DSU.

* *

B. DSU Participation in Financing the State Board

This question relates to financial support of the operations of the State Board. WIA does not specifically require that One-Stop partners participate in the cost of funding State Board activities. Thus, while it is anticipated that Board costs will be primarily supported through funding authorities in title I of WIA, we seek to determine the extent to which VR programs have, nonetheless, participated in costs associated with the Board.

Since State Boards have not been fully implemented with all partners until now, it is difficult to predict the variety and appropriateness of situations that might occur. Consider the use of VR funds for support of the actual Board staff and the cost of board meetings, the proration of costs for system-wide activities, or basically any cost other than the cost of VR staff travel and individual expenses in answering this question.

O 1.5 ☐ YES ☐ NO Does the DSU contribute to the support of the operating costs of the State Board or of the alternative board used in lieu of a new State Board?

If YES, briefly describe the type of costs supported and the benefits accrued to the DSU, and explain whether the DSU's contribution is proportional to the benefits accrued.

* *

C. Accountability Issues at the State Level

WIA does not require that the VR program participate in the use of WIA accountability and reporting measures except as they are found by the Department of Education to be appropriate for use with individuals with disabilities and meaningful for VR program purposes.

Section 106(a)(1)(C) of the Rehabilitation Act, as amended in 1998 (the Act), requires that the VR Evaluation Standards and Performance Indicators, to the maximum extent practicable, be consistent with the core indicators of performance established under §136(b) of WIA. Specific

measures for the WIA core indicators have been developed. Such specific measures as are applicable and practical will be incorporated by RSA into the VR Evaluation Standards and Performance Indicators.

Likewise, the Commissioner of RSA is required, to the maximum extent appropriate (§13(c) of the Act), to report on all information described in §136(d) of WIA. Section 101(a)(10)(B) of the Act further specifies that the Commissioner shall require annual reporting on those specific data elements described in 136(d)(2) of WIA that are determined to be relevant in assessing the performance of DSUs in carrying out the VR program. RSA is developing a draft standard that that will seek to emulate the first three WIA core indicators. RSA is also testing the use of the Unemployment Insurance (UI) wage data system to support those measures, and to also examine the possibility of using UI wage data to support the 6 & 12 month follow-up requirements in §101(a)(10)(C)(iii) and (iv) of the Act.

RSA will promulgate reporting requirements relevant to the VR program, giving full consideration to the specific reporting measures to be established under WIA. State VR agencies may choose to evaluate themselves using measures in addition to those required by RSA.

The VR program is clearly excluded from the performance incentive aspects of the WIA accountability system. These requirements are found in WIA §503. The VR program is not listed among those programs to which incentives and sanctions apply. However, elements of the RSA reporting/accountability systems will increasingly look like those of other WIA partners. RSA will still have a separate reporting/accountability system, but parts of that system will parallel WIA accountability/reporting.

State VR agencies are governed for evaluation purposes by the requirements of §106 of the Act, and State VR agencies must report on those measures to the extent and in the manner prescribed by the Commissioner. These are the measures that RSA will consider in evaluating DSU performance. While WIA does not require that the performance measures in title I of WIA be applied to DSUs, or require that DSUs report VR program performance to the State Board, the following questions are intended to ascertain the extent to which that is occurring.

- O 1.6 ☐ YES ☐ NO Does the State Board expect the DSU to use the Core Performance Measures required under WIA §136(b)(2)(A) to measure VR program performance, negotiate performance levels with the State Board and the Governor, and/or report results to the State Board and the Governor (§101(a)(10) of the Act)?

If YES, describe the State Board requirements for WIA Core Performance Measures.

* *

- O** 1.7 ☐ YES ☐ NO Does the State Board expect the DSU to use additional performance measures established under WIA §136(b)(2)(C) to measure VR program performance, negotiate performance levels with the State Board and the Governor, and/or report results to the State Board and the Governor (§101(a)(10) of the Act)?

If YES, describe the State Board requirements related to WIA reporting measures.

* *

WIA reporting requirements found in §136(d)(2)(F) require States to capture core performance outcome measures for subgroups, including individuals with disabilities. In addition, RSA may want to know if data collection systems in the workforce investment system can identify service areas not being accessed by individuals with disabilities and therefore not readily available to VR eligible individuals who may wish to participate.

For the following question, answer NA if the State does not have a data collection system established to collect required WIA data, even if they have a data collection system established for the Job Training Partnership Act (JTPA). Answer YES if the State has, or has planned to, establish a data collection system to collect, at a minimum, the information required to meet the WIA core performance standards for adults and that system can break participants out by disability status.

Answer NO if there is a data collection system, but one that does not collect core performance measures or cannot track disability status.

- O** 1.8 ☐ YES ☐ NO ☐ NA Has the State Board developed or required the use of data collection and reporting systems and measures that adequately capture information related to individuals with disabilities served by the workforce investment system (§101(a)(10) of the Act)?

D. Cost Allocation Issues at the State Level

Determination of the costs to be shared by partner programs and their subsequent payment or funding in One-Stop Centers may be one of the more difficult tasks involved in the implementation of WIA. While technically it may be true that the determination of allowable costs and the payments of those costs among programs are two different issues, the discussion in the context of WIA combines these issues. While in some states the One-Stop Center system may function as a state system, in others each local area may be more autonomous.

The following questions have been divided among operating costs, the costs associated with the core services of the One-Stops, and costs associated with other services, including individual training accounts, intensive services or any other costs. Each question reflects a general participation requirement on the part of the DSU as a partner in the One-Stop System and is intended to identify improvements or other effects on the delivery of VR services through that system.

However, it is important to note that, in all instances, the DSU's participation in the One-Stop System must be consistent with VR program requirements, be proportional to the benefits that accrue to the VR program, and be consistent with applicable cost principles. These conditions are specified in VR program regulations (see 34 CFR §361.23(a)), title I of WIA, regulations implementing title I of WIA, or in applicable guidance materials. For example:

VR program regulations at 34 CFR §361.23(a) specify that the DSU must participate in the One-Stop System by carrying out certain functions consistent with the Rehabilitation Act, WIA, and applicable regulations. Moreover, WIA regulations at 20 CFR 662.270 state that each partner must contribute a fair share of operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner's program, while 20 CFR 662.280 states that "the resources of each partner may only be used to provide services that are authorized and provided under the partner's program to individuals who are eligible under such program." Additionally, DOL/ETA's proposed guidance of June 27, 2000, entitled "Resource Sharing for Workforce Investment Act One-Stop Centers: Methodologies for Paying or Funding Each Partner Program's Fair Share of Allocable One-Stop Costs," states that "WIA regulations require that each partner contribute a fair share of operating costs of the One-Stop delivery system through an appropriate methodology that results in an equitable distribution of costs and corresponds to the types of costs being allocated. Finally, and most critically, VR program regulations at 34 CFR 361.13(c)(1) require that the DSU be responsible for the allocation and expenditure of VR program funds, while, according to OMB Circular A-87, a cost must be necessary, reasonable, and allocable in accordance with relative benefits received by the program for it to be allowable under that program.

Given these requirements, some of the questions below, and throughout this focus area of the guide, are presented in two parts -- for example, questions 1.9A and 1.9B regarding cost sharing -- so that both the DSU's financial participation, and the necessary conditions that apply to that participation, are addressed.

For the following questions, answer NO if policies do not meet all of the criteria listed in the question.

- ◆ 1.9A ☐ YES ☐ NO Has the State Board established any policies that affect the participation of the VR program in cost-sharing of operating costs, core service costs, or other service costs at One-Stop Centers (34 CFR 361.23(a))?
- ◆ 1.9B ☐ YES ☐ NO If YES, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP (generally accepted accounting principles), OMB cost principles and administrative requirements (§3(b) and §111(a)(1) of the Act; 34 CFR 361.23(a))?

If NO, please describe.

* *

- ◆ 1.10 ____ YES ____ NO ____ NA Does the DSU review, at the State level, all One-Stop cost-sharing agreements for local areas?

Answer NA if there are no One-Stop/Local Board cost-sharing agreements that affect the DSU.

Note: The following two-part question relates to operating costs (or common function costs) of the One-Stop Center. Common functions result in costs for space occupancy, utilities, telephone systems, common supplies and equipment. Common functions could also include the costs of a receptionist or common intake. The preceding list is not meant to be all-inclusive.

- ◆ 1.11A ____ YES ____ NO ____ NA Has the DSU established policies or guidelines for local areas to follow regarding a method or methods to determine its appropriate share of operating costs and its payment for them at the One-Stop Centers (34 CFR 361.23(a))?

Answer NO if the DSU has decided not to establish such guidance.

Answer NA if the DSU has not decided or not yet considered this issue.

- ◆ 1.11B ____ YES ____ NO ____ NA If YES, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (§3(b) and 111(a)(1) of the Act; 34 CFR 361.23(a))?

Answer NO if guidance has been established that is not consistent with all of the requirements specified above and explain the violations.

Answer NA if the State has not established any guidance requirements related to cost sharing and payment.

- ◆ 1.12A ____ YES ____ NO ____ NA Has the DSU established any policies with regard to VR program participation in paying the costs for Core Services (34 CFR 361.23(a)(2)(ii))?

Answer NA if the DSU has not yet decided or is in the process of preparing policies.

- ◆ 1.12B ____ YES ____ NO ____ NA If the DSU has established policies with regard to participation in paying the costs for Core Services, do they meet the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (§3(b) and §111(a)(1) of the Act; 34 CFR 361.23(a))?

Answer NO if policies do not exist, or if they do not meet all of the listed requirements. If answer is NO, please describe.

* *

- ◆ 1.13A ____ YES ____ NO ____ NA Do DSU policies address financial participation in areas other than operating costs or Core Services, such as intensive, training, or support services? (e.g., through Individual Training Accounts)?
- ◆ 1.13B ____ YES ____ NO ____ NA If the DSU has established policies with regard to participation in other than core services or operating costs, do they meet the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (§3(b) and §111(a)(1) of the Act; 34 CFR 361.23(a))?

Answer NO if all policies do not exist, or if they do not meet all of the listed requirements. If answer is NO, please describe.

* *

E. Other State Governance Issues

These issues are included to assess the coordination between the administration of the VR program and the One-Stop System with which it partners. While each of these questions relates to specific responsibilities of the VR program, some of these questions are based on issues that have been raised by State VR agencies as they work to manage their programs within the One-Stop framework.

- 1.14 ____ YES ____ NO Do State Board policies, procedures, or practices affect the DSU's ability to provide VR services or prioritize services to individuals in accordance with the Act (§3(b) of the Act)?

Specifically consider in this question any effects, including any limitations, on types or amounts of services or on methods of assigning priority to groups of individuals with disabilities on the basis of significance of disability and order of selection.

If YES, briefly describe the State Board requirements and the ways in which it affects the DSU.

* *

- 1.15 ____ YES ____ NO Has a representative of the State Board been appointed as a member of the State Rehabilitation Council (SRC) (§105(b)(1)(A)(xi))?

- O** 1.16 ☐ YES ☐ NO ☐ NA Is the relationship of the State Board to the SRC appropriate and effective?

The State Board and the SRC are different entities, established for different purposes, with different responsibilities. The role of the State Board member is to participate to the same extent as any other member of the SRC and to coordinate the sharing of information between the State Board and the SRC.

If NO, please explain.

Answer NA if the DSU does not have an SRC.

* *

- 1.17 ☐ YES ☐ NO Does the State Board require activities or has it established an organizational structure that may be contrary to the organizational unit integrity of the VR program (§101(a)(2)(B); 34 CFR 361.13)? Consider in this question the ability of the State VR director to make decisions regarding allocation of funds, the operational environment of the DSU, and personnel and staff supervision.

Note: For reference purposes, it may be appropriate to review the RSA Monitoring Manual chapter on the Designated State Unit.

If YES, describe the ways in which the organizational integrity is compromised.

* *

- 1.18 ☐ YES ☐ NO Has the DSU entered into cooperative agreements at the State level with other components of the Statewide workforce investment system as required by §101(a)(11)(A) of the Act?

If YES, describe any particularly effective practices or methods for developing cooperative agreements that may be replicated elsewhere.

* *

- 1.19 ☐ YES ☐ NO Does the DSU have any specific concerns about meeting VR program confidentiality requirements related to the development of the State workforce investment system or the local workforce investment systems and One-Stop Centers (34 CFR 361.38)?

Consider in this answer only situations that have materialized to the extent of having plans on paper or systems implemented that pose a concern related to confidentiality requirements.

If YES, describe the nature of the concerns, the level at which the concern originated (i.e., state or local) and the number of locations in the state in which a concern exists.

* *

F. Accessibility Issues

RSA collaborated with a variety of Federal agencies, including the Department of Labor Employment and Training Administration (DOLETA), in the review and assessment of all State plans submitted either under §112 or §501 of the WIA. Accessibility was one of the major concerns arising out of these reviews. Although States certified through a State plan assurance statement that the activities of their workforce investment systems complied with the requirements of §504 of the Act and the Americans with Disabilities Act of 1990 (ADA), the plan narratives related to accessibility were vague and appeared to focus solely on physical site accessibility, i.e., they did not encompass program, technology, and transportation accessibility considerations.

RSA has been working closely with DOL to raise the awareness of the States with respect to their obligations under §504 of the Act, §188 of WIA, and the ADA to ensure that their facilities, programs, technology, and transportation are accessible to individuals with disabilities. To this end, DOL has entered into an arrangement with the Regional Disability and Business Technical Assistance Centers to provide consultation and technical assistance services to One-Stop Centers on accessibility related issues. DOL has also drafted a proposed Training and Employment Information Notice (TEIN) entitled "One-Stop Guide to Accessibility and Accommodation of Persons with Disabilities." The TEIN will provide useful guidance to workforce investment systems and One-Stop Centers to ensure individuals with disabilities have full access to the services of the system and the centers. This TEIN will supplement TEIN 16-99 entitled "Workforce Investment Act of 1998 §188 Interim Final Rule and Accessibility Checklists for One-Stop Service Delivery Systems" that was promulgated by DOL on April 12, 2000.

The Act in §101(a)(11)(A) requires the DSU to enter into cooperative agreements with other components of the State's workforce investment system. One of the authorized activities that the DSU can undertake within the framework of these agreements is the provision of training and technical assistance to its partners relating to program accessibility to ensure the equal, effective, and meaningful participation of individuals with disabilities in workforce investment activities. The DSU is not responsible for making the One-Stop System accessible (with regard to site, program, technology and transportation). That is the obligation of the system and all of the partners in the system. However, at a minimum, the VR agency should be an active and assertive voice within the system in advocating in support of the training and employment needs of individuals with disabilities, including their accessibility needs.

If accessibility problems in the State's workforce investment system are observed by or reported to RSA staff, that information needs to be included in the RSA monitoring report provided to the DSU director and the SRC. The observations will also be reported to the RSA director of the Division of Program Administration, who will, if appropriate, transmit them to the DOL Civil Rights Center for investigation and remediation.

The following information is provided to assist RSA staff in directing complainants to the responsible Federal agency:

Concerns regarding non-compliance with §504 of the Act may be brought to the attention of the Office for Civil Rights, United States Department of Education in your Region. Visit the OCR web site at:
www.ed.gov/offices/OCR/ocregion.html.

Concerns regarding non-compliance with §188 of WIA may be brought to the attention of the United States Department of Labor, Civil Rights Center (CRC), 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, 202-219-8927 (voice) or (202) 219-6118 or (800) 326-2577 (TTY/TDD). Visit the CRC web site at:
www.dol.gov/dol/oasam/public/programs/civil.htm.

Concerns regarding non-compliance with the ADA may be brought to the attention of the United States Department of Justice, Civil Rights Division (CRD), Public Access Section, Post Office Box 66738, Washington, DC 20035-6738. Visit the CRD web site at: www.usdoj.gov/crt/.

The following questions relate to the efforts that the State workforce investment system and the State Board are making to include individuals with disabilities in the system as a whole and in the One-Stop Centers in particular. Consider in the answers to questions 1.20-1.23 any accessibility information in the guidance that the State Board prepares for the Local Boards, and consider State Board requirements concerning review of Local Plans for purposes of ensuring accessibility. The intent of the questions is to look for some activity in addition to completion of an assurance page in the Local Plan.

Universality is one of the core principles of WIA and the One-Stop Center system. This can become an even more critical element when VR programs are co-located. The issue of co-located VR program staff is addressed in question 1.23.

Given that the One-Stop System must provide for “at least one physical” One-Stop Center in each local area, do the State and Local Workforce Investment Plans assure that each local Center (and any additional centers) are accessible in the following ways, along with virtual sites providing information in a manner that accommodates the needs of people with disabilities?

W 1.20 ☐ YES ☐ NO Fully accessible to individuals with disabilities in regard to the physical site and program space?

W 1.21 ☐ YES ☐ NO Fully accessible regarding electronic and self-service program components and regarding the provision of training in the use of appropriate technology?

W 1.22 ____ YES ____ NO Fully accessible in terms of all One-Stop services, WIA program services, and partner services?

O 1.23 ____ YES ____ NO Is the VR program co-located in one or more One-Stop Centers?

If YES, please identify the number of One-Stop Centers in which the VR program is co-located and the percentage of the total number of One-Stop Centers. Also, describe any additional policies and procedures in place to ensure that those One-Stop Centers are fully accessible to VR consumers.

* *

Section II. DSU Participation in Local Governance of the WIA

This section addresses the DSU's participation in the development of the State's workforce investment system at the local level. All States will have established the Local Boards required under WIA. RSA believes it important to assess the level of DSU participation on those Boards.

The questions in Section II are to be answered based on the Local Boards of which the RSA reviewers have knowledge. The size of some States prohibits RSA from having specific information pertaining to each Local Board. The RSA reviewers should describe the extent of the review of the Local Board activities in the space provided following each question. It is possible that no other Local Boards have been reviewed other than the one related to the One-Stop Center that will be reviewed on-site.

W 1.24 How many Local Boards has the State established? Is this the total number the State will establish or does the DSU know whether the number is likely to increase? Increase to what number, if known? How many have been certified by the Governor?

* *

Note: If preliminary information obtained by RSA indicates that the Local Boards have not been established, this information needs to be discussed with the RSA Director of the Division of Program Administration prior to continuing the review.

A. Representation on the Local Board

These questions pertain to the representation of the DSU at the local level in planning and implementing the local workforce investment system.

▪ 1.25 ____ YES ____ NO Is the director of the DSU, or other representative of the DSU, a member of all Local Boards formally established under WIA (WIA §117(b)(2)(A)(vi) and 34 CFR 361.23(a)(5))?

Consider only those Boards formally established by the State under WIA. If the applicable Board was previously in existence pursuant to a One-Stop grant under JTPA, then it must be formally designated under WIA as well. Use the number of local areas identified in Question 1.24 of this section as the reference group.

Answer YES only if the DSU is represented on ALL Local Boards established under WIA.

Answer NO if the State has established one or more Local Boards under WIA but the DSU is not represented on one or more of these boards. Enter the number of Local Boards on which the DSU is not a member, and the reasons for the DSU not to be participating.

* *

B. DSU Participation in Financing the Local Board

This question relates to financial support of the operations of the Local Workforce Investment Board.

WIA does not specifically require that One-Stop partners participate in the cost of funding Local Board activities. Thus, while it is anticipated that Local Board costs often will be primarily supported through funding authorities in title I of WIA, we seek to determine the extent to which VR programs have nonetheless been required to participate in costs associated with the Board.

As Local Boards have not been fully implemented with all partners until now, it is difficult to predict the variety and appropriateness of the situations that might occur. For the purposes of this question, take a broad view of the issue. Consider the use of VR funds for support of the actual Board staff and the cost of board meetings, the proration of costs for local area-wide activities generated by the Local Board, or basically any cost other than the cost of VR staff travel and individual expenses to attend board meetings. The purpose of this question at this time is to determine the kinds of financial demands that are occurring at the local level and to determine if there are any policy implications for the VR program nationally.

- O** 1.26 ____ YES ____ NO Does the DSU contribute to the support of the operating costs of the Local Board?

Note: This question concerns Local Board (not One-Stop Center) expenses.

If YES, briefly describe the type of costs supported and the benefits accrued to the DSU, and explain whether the DSU's contribution is proportional to the benefits accrued

* *

C. Local Workforce Investment Plan Participation

A representative from the DSU, as a required member of the Local Board, should be involved in the development of the Local Workforce Investment Plan.

W 1.27 ☐ YES ☐ NO ☐ NA Is the representative from the DSU a participant in the development of the Local Workforce Investment Plan with ALL Local Boards established under WIA (WIA §117(b)(2)(A) and 34 CFR 361.23(a)(5))?

Consider that the DSU has participated if the DSU indicates that their role was satisfactory to them, even if the participation was minor. The intent of the question is to determine the extent to which participation that is relevant and desired by the DSU is occurring.

Answer YES only if the DSU participated in the development of ALL Local Boards established under WIA.

Answer NA if no Local Workforce Investment Plans are being or have been developed under WIA.

Answer NO if one or more Local Workforce Investment Plans have been or are being developed under WIA but the DSU has not participated to the extent that it should. If NO, please explain.

* *

D. Accountability Issues at the Local Level

As discussed previously (see “Accountability Issues at the State level,” WIA does not require that the VR program participate in the use of WIA accountability and reporting measures except as they are found by the Department of Education to be appropriate for use with individuals with disabilities and meaningful for VR program purposes.

At the local level, individuals served by the VR program should be included for WIA accountability purposes at the local One-Stop Center if the individual would otherwise be counted based on receiving WIA funded services at the One-Stop Center. The DSU also can share performance information related to the VR Evaluation Standards and Performance Indicators with members of the State and local workforce investment systems. Thus, while WIA does not require that the performance measures in title I of WIA be applied to DSUs, or require that DSUs report VR program performance to the Local Board, the following questions are intended to ascertain the extent to which that is occurring.

- O** 1.28 ☐ YES ☐ NO Does any Local Board expect the DSU to use the Core Performance Measures required under WIA §136(b)(2)(A) to measure VR program performance, negotiate performance levels with the Local Board, and/or to report results to the Local Board (§101(a)(10) of the Act)?

If YES, briefly describe what is expected of the DSU related to WIA Core Performance Measures.

* *

- O** 1.29 ☐ YES ☐ NO Does any Local Board seek for the DSU to use additional performance measures established under WIA §136(b)(2)(C) to measure VR program performance, negotiate performance levels with the Local Board, and/or to report results to the Local Board (§101(a)(10) of the Act)?

If YES, describe the WIA reporting requirements each Local Board is applying to the DSU.

* *

E. Cost Allocation Issues at the Local Level

As noted previously (see “Cost Allocation Issues at the State Level,” the determination of costs to be shared by partner programs and their subsequent payment or funding in One-Stop Centers may be one of the more difficult tasks involved in the implementation of WIA. While technically it is true that the determination of allowable costs and the payment of those costs among programs are two different issues, the discussion in the context of WIA combines these issues. While in some states the One-Stop Center system may function as a state system, in other states each local area may be autonomous.

Whether the cost-sharing agreements at One-Stop Centers are a part of the memorandum of understanding (MOUs) or whether they are separate agreements is not critical. The pivotal point in looking at cost-sharing with WIA partners at the local level is that the State VR program’s participation lead to effective delivery of VR services and that the program is charged only an appropriate share of One-Stop Center costs. To that end, it is again important to note that, in all instances, the DSU’s participation in the One-Stop System must be consistent with VR program requirements, be proportional to the benefits that accrue to the VR program, and be consistent with applicable cost principles. These conditions are specified in VR program regulations (see 34 CFR §361.23(a)), title I of WIA, regulations implementing title I of WIA, or in applicable guidance materials. For example:

VR program regulations at 34 CFR §361.23(a) specify that the DSU must participate in the One-Stop System by carrying out certain functions consistent with the Rehabilitation Act, WIA, and applicable regulations. Moreover, WIA regulations at 20 CFR 662.270 state that each partner must contribute a fair share of operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner’s program, while 20 CFR 662.280

states that “the resources of each partner may only be used to provide services that are authorized and provided under the partner’s program to individuals who are eligible under such program.” Additionally, DOL/ETA’s proposed guidance of June 27, 2000, entitled “Resource Sharing for Workforce Investment Act One-Stop Centers: Methodologies for Paying or Funding Each Partner Program’s Fair Share of Allocable One-Stop Costs,” states that “WIA regulations require that each partner contribute a fair share of operating costs of the One-Stop delivery system through an appropriate methodology that results in an equitable distribution of costs and corresponds to the types of costs being allocated.” Finally, and most critically, VR program regulations at 34 CFR 361.13(c)(1) require that the DSU be responsible for the allocation and expenditure of VR program funds, while, according to OMB Circular A-87, a cost must be necessary, reasonable, and allocable in accordance with relative benefits received by the program for it to be allowable under that program.

Each of the questions in this section are to be answered based only on the Local Boards of which the RSA reviewers have knowledge.

Question 1.30 is presented in two parts -- A and B -- so that both the DSU’s financial participation, and the necessary conditions that apply to that participation, are addressed:

- ◆ 1.30A ____ YES ____ NO ____ NA Has any Local Board established policies that affect the participation of the VR program in cost-sharing of operating costs, core service costs, or other service costs at One-Stop Centers (34 CFR 361.23(a))?

Answer NO if the Local Boards have definitely decided not to establish such guidance for all three costs.

Answer NA if the Local Boards have not decided or not yet considered this issue.

- ◆ 1.30B ____ YES ____ NO ____ NA If YES, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (§3(b) and §111(a)(1) of the Act; 34 CFR 361.23(a))?

Answer YES if the policies conform with all of the requirements. Answer NA if the Local Boards do not have cost-sharing policies.

- ◆ 1.31 ____ YES ____ NO ____ NA Is the DSU supporting any costs of a One-Stop Center in which it has no VR staff co-located?

If YES, for each One-Stop Center, describe the costs being supported and the rationale for this participation.

* *

- ◆ 1.32 ____ YES ____ NO ____ NA Are the Local One-Stop cost-sharing agreements consistent with the WIA regulatory requirements in 20 CFR 662.270 (i.e., that each partner must contribute a fair share of operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner's program) and 662.280 (i.e., that the resources of each partner only be used to provide services that are authorized and provided under the partner's program to individuals who are eligible under such program)?
- ◆ 1.33 ____ YES ____ NO ____ NA Does the DSU approve each cost-sharing agreement involving the VR program (34 CFR 361.13(c)(1)(iv))?
- 1.34 ____ YES ____ NO ____ NA If the DSU approves local One-Stop cost-sharing agreements, have all outstanding issues been resolved?

Answer NA if the DSU does not review local One-Stop cost-sharing agreements.

If NO, identify the issues that have yet to be resolved.

* *

F. Other Local Governance Issues

These issues are included to assess the coordination between the administration of the VR program and the One-Stop System with which it partners. While each of these questions relates to specific responsibilities of the VR program, some of these questions are based on issues that have been raised by State VR agencies as they work to manage their programs within the One-Stop framework. Again, the following questions are to be answered based on the Local Boards of which the RSA reviewers are aware.

- 1.35 ____ YES ____ NO ____ NA Do any Local Board policies, procedures, or practices affect the DSU's ability to provide VR services or prioritize services to individuals in accordance with the Act (§3(b) of the Act)?

Specifically consider in this question any effects, including any limitations, on types or amounts of services or on methods of assigning priority to groups of individuals with disabilities on the basis of significance of disability and order of selection.

Answer NA if no Local Board has made a decision or has considered the issues yet.

If YES, enter the number of Local Boards following such practices. Briefly describe, for each of these Local Boards, the practices and the corresponding effects on the DSU.

* *

- 1.36 ☐ YES ☐ NO ☐ NA Does any Local Board require activities or an organizational structure that may be contrary to the organizational unit integrity of the VR program (101(a)(2)(B) of the Act and 34 CFR 361.13)?

Note: For reference purposes, it may be appropriate to review the RSA Monitoring Manual chapter on the Designated State Unit.

Consider in this question the ability of the State VR director to make decisions regarding allocation of funds, the operational environment of the DSU, and personnel and staff supervision, particularly as applied to One-Stop settings.

If YES, briefly describe for each such Local Board the ways in which the organizational integrity is compromised.

* *

- 1.37 ☐ YES ☐ NO ☐ NA Has the DSU replicated at the local level the cooperative agreements entered into at the State level with other components of the State workforce investment system, as required by §101(a)(11)(B) of the Act?

Answer NA if the DSU has not entered into any state level cooperative agreements as required by §101(a)(11)(A).

* *

G. DSU Memoranda of Understanding with Local Boards

- 1.38 ☐ YES ☐ NO Has the DSU entered into a MOU with any of the established Local Boards in the local areas established above (34 CFR 361.23(a)(3))?

If YES, enter the number of Local Boards with which the DSU has completed a MOU. Note that RSA is identifying the number of Local Boards and assessing the DSU's role on those boards, and is not focusing on the number of MOUs in existence. A Local Board with more than one One-Stop Center, and more than one One-Stop Center operator in its local area, may well have executed more than one MOU with the partners.

* *

- ☐ 1.39 ☐ YES ☐ NO Does the DSU have a process for reviewing each MOU prior to approval?
- ☐ 1.40 ☐ YES ☐ NO Does the DSU have written guidelines for review of MOUs ?

The WIA in §121(c) states that the MOU among/between required One-Stop partners and the Local Board must contain the following elements:

- a description of the services to be provided through the One-Stop delivery system;
 - how the costs of such services and the operating costs of the system will be funded;
 - methods of referral of individuals between the One-Stop operator and the One-Stop partners for appropriate services and activities; and
 - the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum.
- 1.41 ☐ YES ☐ NO ☐ NA Does the DSU process or written guidelines for MOU review include all elements required by WIA §121(c) (RSA-IM-00-09)?

Note: RSA-IM-00-09, dated December 17, 1999, entitled “A Guide for Developing Memoranda Of Understanding with Local Workforce Investment Boards as Required by the Workforce Investment Act” provides a framework for negotiations in the development of the MOU. The Guide contains items that WIA requires be included in the MOU, as well as other items that are recommended for inclusion, based on standard practice and other statutory requirements of relevant legislation and implementing regulations, including the Act, the ADA, and 20 CFR Part 37.

Answer NA if the DSU has not established any process or written guidelines.

If NO, briefly describe which elements are not addressed in the DSU process or written guidelines.

H. Memoranda of Understanding Document Review

RSA will review a sample of all of the MOUs developed in the State, including the MOU for the One-Stop Center that will be visited on-site. The guidance below will be used by RSA staff to review the sample of MOUs. Whenever possible, the findings submitted should relate to the MOU for the One-Stop Center that is visited on-site.

The MOU document review is primarily focused on the Federal requirements as they pertain to the VR program (see RSA-IM-00-09). In addition to the WIA MOU requirements, RSA may also examine the more expansive State Plan requirements pertaining to cooperative agreements with other components of statewide workforce investment systems found at §101(a)(11)(A) of the Act.

RSA will use the findings from the previous sections of this Guide, as well as review findings obtained by DOLETA, in order to determine compliance with the MOU requirements, to provide appropriate technical assistance, and to develop effective MOU models for use elsewhere.

The items preceded by a box under the Period, Provision of Services, and Referral Methods sections below, as well as some of the items preceded by a diamond under the Funding section, are based upon the subregulatory guidance contained in RSA-IM-00-09.

ID INFORMATION

One-Stop Center_____

Local Board_____

DSU_____

Date of MOU_____

RSA Reviewers_____

(I) Purpose

O 1.42 _____ YES _____ NO Is there a purpose statement specified in the MOU?

(II) Period

▪ 1.43 _____ YES _____ NO Are beginning and ending dates specified in the MOU?

▪ 1.44 _____ YES _____ NO Are procedures for amendment specified in the MOU?

▪ 1.45 _____ YES _____ NO Are procedures for dispute resolution between the DSU and the One-Stop operator, the Local Board or the One-Stop partners specified in the MOU? If so, do the procedures described allow for participation of State level VR staff at some level of the process? Do the procedures seem reasonable and appropriate, given the requirements of the Act?

* *

(III) Provision of Services

▪ 1.46 _____ YES _____ NO Are the services to be provided by the VR agency through the One-Stop service delivery system identified in the MOU? Briefly describe the services.

* *

- 1.47 _____ YES _____ NO For those VR services for which VR program eligibility is required, does the MOU clearly reflect that VR program eligibility requirements must be met (§102(a) of the Act)?

* *

- 1.48 _____ YES _____ NO Does the MOU identify the applicable core services that the DSU will provide through the One-Stop service delivery system (34 CFR 361.23(a)(2)(ii))?

* *

- 1.49 _____ YES _____ NO Is the VR program participation in core services specified in the MOU consistent with the requirements of WIA, the Act and RSA policy (34 CFR 361.23(a))?

Answer YES if VR participation in core services specified in the MOU is consistent with all of the requirements.

* *

Neither the complaint procedures for individuals receiving services from the VR program (§102(c) of the Act) nor the complaint procedures for individuals served by the One-Stop Delivery system are required to be addressed in the MOU. However, it is strongly recommended that such complaint procedures be included in the MOU.

This approach is recommended in order to make clear that complaints related to the provision delivery of VR services (as opposed to complaints alleging civil rights discrimination) are governed by the due process procedures in §102 (c) of the Act and 34 CFR 361.57. These procedures must be followed in instances in which a participant in the VR program challenges a decision affecting the provision of VR services to the individual, even if the services were provided by VR staff located in a One-Stop Center.

In addition, participants in the VR program receiving services through the One-Stop Center are afforded multiple civil rights protections. In general, VR program participants who bring civil rights (i.e., anti-discrimination) complaints against VR staff should be referred to the Department of Education Office for Civil Rights when the complaint alleges discrimination on the basis of race, ethnicity, national origin, gender, age, or disability. Individuals who bring civil rights complaints alleging discrimination on the basis of religion, political affiliation, or political belief in the provision of services from the One-Stop System should be referred to the Civil Rights Center of the Department of Labor. The Departments of Labor, Education, and other Federal partners are negotiating procedures for referring civil rights complaints between their civil rights offices and should be consulted for further information concerning resolution of such complaints (see §188 of WIA).

- O** 1.50 ☐ YES ☐ NO Does the MOU describe the due process protections for individuals receiving services at the One-Stop Centers? If so, does the MOU describe the applicability of the due process procedures under 102 (c) of the Act and 34 CFR 361.57 to complaints related to the provision of VR services? Does the MOU appropriately address civil rights protections and resolution of civil rights complaints?

* *

(IV) Cross-Informational Training

- O** 1.51 ☐ YES ☐ NO ☐ NA Does the MOU provide for intercomponent training? Briefly describe.

* *

(V) Referral Methods

1.52 ☐ YES ☐ NO Does the MOU specify procedures for referrals between VR and the Title I WIA programs? Between VR and other partner programs? Are the procedures reciprocal?

* *

- O** 1.53 ☐ YES ☐ NO If the MOU establishes an intake procedure that is intended to refer the individual to all the participating partner programs in the One-Stop Center, does the referral procedure include enough information to determine that the requirements for application for VR services are met? How does the VR agency become aware of an applicant who applies through a generic process?

* *

(VI) Universal Access/Accessibility

- O** 1.54 ☐ YES ☐ NO Does the MOU include assurances that all services and all partner programs available at the One-Stop Center will be accessible to individuals with disabilities?
- O** 1.55 ☐ YES ☐ NO Does the MOU go beyond assurances in discussing accessibility? If so, does the discussion include access to the One-Stop Center by public transportation, physical access to the building, access to electronic service and information systems, access to programs and services, and the provision of appropriate individual supports?

* *

- ☐ 1.56 ☐ YES ☐ NO Does the discussion clearly indicate the financial responsibility of each program to provide such accessibility for its own programs and services?

(VII) Organizational Requirements

- ☐ 1.57 ☐ YES ☐ NO Does the MOU indicate that the VR program (the DSU) is represented on the Local Board (34 CFR 361.23(a)(5))?
- ☐ 1.58 ☐ YES ☐ NO Does the MOU establish any policies or procedures regarding the responsibilities of the Local Board, or of the One-Stop Center operator, that affect the ability of VR program officials to effectively supervise VR staff? If YES, describe.

* *

- ☐ 1.59 ☐ YES ☐ NO Does the MOU establish any policies or procedures that affect the ability of VR program officials to make decisions related to the VR program? If YES, describe.

* *

(VIII) Confidentiality

- ☐ 1.60 ☐ YES ☐ NO Does the MOU establish requirements for a shared data system? If so, does the MOU obligate the VR program to support the cost of development and/or maintenance of the shared data system? Is the basis for cost sharing clearly described in the MOU? Is the basis for cost sharing appropriate, given the requirements of OMB circulars and the proportionality concepts in WIA and the WIA regulations?

* *

- ☐ 1.61 ☐ YES ☐ NO Does the MOU require the sharing of individual personal information, either through a shared data system or through other procedures established in the MOU? If so, are there adequate safeguards for the protection of individual privacy? For example, are there assurances that firewalls or program security measures will be put in place when shared data systems are to be developed (101(a)(10)(F) of the Act and 34 CFR 361.38)?

**

(IX) Accountability

- ☐ 1.62 ☐ YES ☐ NO Although WIA does not require DSU to use performance standards established by the Local Board, does the MOU nonetheless

contain such a requirement? If so, are these performance standards appropriate, given the Evaluation Standards and Performance Indicators established by RSA as required by §106 of the Act, the performance goals established by the DSU, and the accountability and reporting requirements of WIA and the Act?

* *

- O** 1.63 ☐ YES ☐ NO Although the DSU is not required to report performance outcomes to the Local Board, does the MOU nonetheless contain such a requirement? If so, does the reporting requirement go beyond the sharing of the local VR program performance on the VR program Evaluation Standards and Performance Indicators? Are any additional requirements and associated burden reasonable from the point of view of the DSU? From the point of view of the reviewers?

* *

- O** 1.64 ☐ YES ☐ NO Does the MOU establish an expectation that the VR program participate in a management information system in order to support performance accountability?

(X) Funding

The following questions regarding cost-sharing have been divided into operating costs, the costs associated with the core services of the One-Stop Centers, and costs associated with other services including individual training accounts, intensive services or any other costs. Operating costs are those which result from common functions such as those for space occupancy, utilities, telephone systems, common supplies and equipment. The preceding list is not meant to be all-inclusive. Since the cost-sharing documents may not be part of the MOU, RSA should acquire those documents in advance of the review. Reviewers should also refer to the guidance included in the prior sections -- "Cost Allocation Issues at the State Level" and "Cost Allocation Issues at the Local Level" -- in preparing to address the questions in this section.

Operating Costs

- ◆ 1.65A ☐ YES ☐ NO Does the One-Stop cost-sharing agreement address each partner's financial participation in operating costs (34 CFR 361.23(a)(2))?
- ◆ 1.65B ☐ YES ☐ NO ☐ NA If YES, are those cost-sharing methodologies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (34 CFR 361.23(a))?

Answer YES if the cost-sharing methodologies are in conformance with all requirements.

If NO, please describe.

* *

- ◆ 1.66 ____ YES ____ NO ____ NA Do the One-Stop cost-sharing methodologies ensure that the DSU only participates in costs that are allocable to and benefit the VR program? If NO, please explain.

* *

- ◆ 1.67 ____ YES ____ NO ____ NA Are the cost-sharing methodologies of the One-Stop Center supported by actual cost data?
- ◆ 1.68 ____ YES ____ NO ____ NA If payment for the allocated share of costs at the One-Stop Center is not affected by cash transfer (i.e., the share is paid through an in-kind expenditure), is the valuation of the payment deemed to be fair?

Core Services

- ◆ 1.69A ____ YES ____ NO Does the One-Stop cost-sharing agreement address DSU financial participation in core services (34 CFR 361.23(a)(2))?
- ◆ 1.69B ____ YES ____ NO ____ NA If YES, are those cost-sharing methodologies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (34 CFR 361.23(a))?

Answer YES if the cost-sharing methodologies are in conformance with all requirements.

If NO, please describe.

* *

- ◆ 1.70 ____ YES ____ NO ____ NA Do the One-Stop cost-sharing methodologies ensure that the DSU only participates in core services that are allocable to and benefit the VR program? If NO, please explain.

* *

- ◆ 1.71 ____ YES ____ NO ____ NA Are the cost-sharing methodologies of the One-Stop Center supported by actual cost data?
- ◆ 1.72 ____ YES ____ NO ____ NA If payment for the allocated share of costs at the One-Stop Center is not affected by cash transfer (i.e., the share is paid through an in-kind expenditure), is the valuation of the payment deemed to be fair?

Other Services

- ◆ 1.73A ____ YES ____ NO Does the One-Stop cost-sharing agreement address financial participation in services other than core services or common functions, such as intensive, training or support services?
- ◆ 1.73B ____ YES ____ NO ____ NA If YES, are those cost-sharing methodologies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (34 CFR 361.23(a))?

Answer YES if the cost-sharing methodologies are in conformance with all requirements.

If NO, please describe.

* *

- ◆ 1.74 ____ YES ____ NO ____ NA Do the One-Stop cost-sharing methodologies ensure that the DSU only participates in services other than core services or common functions, such as intensive, training or support services, that are allocable to and benefit the VR program? If NO, please explain.

* *

- ◆ 1.75 ____ YES ____ NO ____ NA Are the cost-sharing methodologies of the One-Stop Center supported by actual cost data?
- ◆ 1.76 ____ YES ____ NO ____ NA If payment for the allocated share of costs at the One-Stop Center is not affected by cash transfer (i.e., the share is paid through an in-kind expenditure), is the valuation of the payment deemed to be fair?

(XI) Signatures

- 1.77 ____ YES ____ NO Has the MOU been signed by a representative of the Local Board?
- 1.78 ____ YES ____ NO Has the MOU been signed by an official of the DSU representing the VR program?

**

Section III. DSU Participation in the One-Stop Center

The purposes for reviewing a One-Stop Center are: to examine the effect of a One-Stop service delivery system on individuals with disabilities served by the VR program; to assess the participation of the VR program in the Center; to monitor compliance with the Federal requirements; to document particularly effective practices; and to provide technical assistance when necessary. By the time RSA conducts its on-site review, it is anticipated that most States will have at least one fully functioning comprehensive One-Stop Center.

While the focus of the review is on VR participation in the One-Stop Center and most of the review questions will be directed to VR program staff, it is appropriate for the RSA reviewers to direct questions to other One-Stop personnel and people receiving VR services in the Center.

Pre-Review Activities

Prior to the on-site monitoring visit, RSA staff will have conducted a thorough review of the preceding sections of the Guide and a sample of the MOUs developed by the Local Boards. RSA will also review DOLETA's preliminary findings from the use of the WIA Implementation Readiness Guide in order to focus the RSA on-site review on issues pertaining to VR participation in the One-Stop Center. Since DOLETA is responsible for the proper administration of title I of WIA (including the One-Stop System), it is important that RSA staff obtain DOLETA's input during the planning and implementation of RSA's on-site review.

Discussions should be held between the staffs from RSA and the DSU for the purposes of reviewing RSA's preliminary findings and any results of DSU self-assessments, and to obtain the DSU director's input into the planning for the on-site visit to the One-Stop Center. Where two State VR agencies exist within a State, RSA may want to involve both agency directors in the review process. RSA may also want to ask the chairperson of the SRC to participate in these discussions.

The RSA-DSU discussions may be held within a larger context of discourse that includes the other components of RSA's Guide, or it may be confined to only the WIA. In any case, it is important that the discussion focus on the status of the DSU's implementation of the VR program within the WIA environment.

The DSU will be asked to provide recommendations to assist RSA in selecting the One-Stop Center(s) to be reviewed on-site. RSA's primary goal is to locate those One-Stop Centers that are effectively and efficiently providing services to people with disabilities leading to the achievement of employment outcomes within the WIA environment, as well as those Centers in the greatest need of technical assistance. The final selection will be made based upon the following criteria:

- Centers that have substantially implemented the WIA requirements, have included the VR program in the Center, and thus may serve as models for other States; and,

- Centers that have exhibited a particular need for technical assistance, and that may benefit from an RSA review in order to address problems.

On-Site Protocol

It is recommended that the RSA staff convene both entrance and exit conferences with pertinent One-Stop Center personnel, both to overview the parameters of the monitoring visit and to discuss any preliminary findings.

During the entrance conference, the following issues and concerns may be used to provide a context for discussion:

- Describe the purpose of the review and the process that will be utilized.
- Explain the service record review process.
- Explain that the purpose for interviews with staff and persons receiving services is to assess the participation of the VR program in the One-Stop Center and the impact on eligible individuals with disabilities.

During the exit conference, RSA presents the DSU management team with its preliminary findings. The need for additional information and/or technical assistance may be discussed at this time, as well as the plans for issuing a report and other follow-up measures.

One-Stop Center ID Information

Name of One-Stop Center _____

Name of Local Board _____

DSU _____

MOU Date _____

RSA Reviewer(s) _____

Date of On-Site Review _____

The following seven questions have been designed to assess the impact of the State VR agency's involvement as a One-Stop System partner on the individuals with disabilities being served by the VR agency. The questions can only be answered subsequent to significant review activities, including:

- an evaluation of the policies and procedures of the VR agency and those of the One-Stop Center;

- interviews with consumers, One-Stop Center and VR agency staff and administrators; and
- reviews of service records of individuals determined eligible by VR and provided services through the One-Stop Center.

As these review activities are being conducted, the reviewers should be sensitive to evidence that the VR agency's involvement as a One-Stop partner has enhanced or hindered the following critical aspects of an individual's VR program: eligibility; timeliness of service delivery; substantiality of services (i.e., all necessary services included in the Individualized Plan for Employment (IPE) are provided to the individual); and employment outcomes. The impact questions are placed at the beginning of this section so that the reviewers will keep them in mind during the course of the review. **Note that items 1.79 – 1.85 are to be answered only after completion of items 1.86 – 1.129, the review of policies and procedures, and the conduct of interviews and reviews of service records.**

- 1.79 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop Center partner impact in any way the due process system that is available to participants in the VR program under the Rehabilitation Act (§102(c) of the Act)? For example, consider whether information regarding due process rights and remedies is provided to individuals with disabilities in instances where common intake procedures have been adopted. Also consider whether individuals are able to access all appropriate due process procedures throughout the VR process. If YES, please explain.

* *

- 1.80 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop Center partner impact the VR counselor's role in determining an individual's eligibility under the VR program (§102(a) of the Act)? If YES, please explain.

* *

- 1.81 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop partner impact informed choice for the individual in any way during the VR process (§102(d))? For example, are individual choices regarding their employment outcomes, services provided, and providers of those services expanded (or diminished) as a result of the services available from other One-Stop partners? If YES, please describe.

* *

- 1.82 ☐ YES ☐ NO Are individuals with disabilities encountering any barriers to service delivery in relation to physical access or appropriate communication modes in the One-Stop Center? For example, do individuals with physical, sensory or communicative disabilities and/or language differences have full physical and programmatic access to the services provided by all One-Stop partners (§504 of the Act and the ADA)? If YES, please describe the barriers and the actions taking place to remove them.

* *

- 1.83 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop Center partner impact the timeliness of VR service delivery in any way? For example, does the administration of the One-Stop System or the availability of One-Stop partner services speed up (or otherwise affect) the VR process (§101(a)(9)(A) and §102(a)(6) of the Act)? If YES, please describe.

* *

- 1.84 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop Center partner impact the substantiality of VR service delivery in any way? For example, are there additional services available via the One-Stop Center partners that would not normally be available if the VR agency were not a partner? Are all necessary services being included in the IPE and provided regardless of the co-location of the VR program at the One-Stop Center? If YES, please describe.

* *

- 1.85 ☐ YES ☐ NO Does the VR agency's involvement as a One-Stop Center partner impact the achievement of employment outcomes by individuals with disabilities in any way? For example, is the information available on employment openings more expansive due to One-Stop partner programs and services? Is the placement of persons with disabilities affected by the scope of eligible training providers in the community? If YES, please describe.

* *

The questions below follow the outline for the MOU content described in RSA-IM-00-09 dated December 17, 1999.

(I) Purpose

- 1.86 ☐ YES ☐ NO Have the purposes described in the MOU been implemented?

(II) Period

- 1.87 ☐ YES ☐ NO Have any amendments to the original MOU been made? If so, was the process for amendment outlined in the MOU used, and was the process effective? Are there any changes to the amendment process that should be made? Describe.

* *

- 1.88 ____ YES ____ NO Are there established procedures for resolving disputes between the VR program and the One-Stop operator and between VR and other programs? If YES, describe.

* *

- 1.89 ____ YES ____ NO Have any disputes between the VR program and the One-Stop operators occurred? If so, was the dispute resolution identified in the MOU or in other policies used to resolve them? Was the dispute resolution process effective? What changes, if any, should be made to the dispute resolution process? Please explain.

* *

Note: If there is no dispute resolution process identified in either the MOU or other documents that has been developed with and agreed to by the One-Stop partners, developing such a process could be a review finding or suggestion.

(III) Provision of Services

- 1.90 How is the DSU providing access to the full range of VR services through the One-Stop Center (for example, describe how VR services are being provided, i.e., staff co-location, serving the One-Stop Center on an itinerant basis, etc.) (WIA §121(b)(1)(A))?

* *

- 1.91 ____ YES ____ NO Are One-Stop Center staff aware of the services that are provided by the VR agency through the One-Stop service delivery system (§101(a)(11)(A)(i) of the Act and §121(c) of WIA)? Describe how VR is viewed.

* *

- 1.92 ____ YES ____ NO Do One-Stop Center staff understand that VR program eligibility requirements must be met (§102(a) and §101(a)(11)(A)(i)(I))?

* *

- 1.93A ____ YES ____ NO Do One-Stop Center staff know the applicable core services that the DSU will provide through the One-Stop service delivery system (34 CFR 361.23(a)(2)(ii) and §121(c) of WIA)?

* *

- 1.93B ____ YES ____ NO Is the VR program's provision of those services consistent with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements (34 CFR 361.23(a))?

Answer YES if VR program participation in core services is consistent with all of the requirements.

If NO, please describe.

* *

- 1.94 ____ YES ____ NO ____ NA Are individuals with disabilities, including those served by the VR program, receiving core services, intensive services and training services through WIA title I programs or other (non-VR program) funding sources, e.g. Wagner-Peyser funds? Explain.

* *

- 1.95 ____ YES ____ NO Has the Local Board or the One-Stop Center operator impacted the VR program through policies, procedures, or decisions related to the provision of services to individuals? Have those efforts affected the ability of VR program officials to make decisions related to the VR program (34 CFR 361.13(c))? If YES, describe.

* *

- 1.96 ____ YES ____ NO Has the One-Stop Center developed and implemented due process procedures as described in the MOU?

* *

- 1.97 ____ YES ____ NO Have there been any disputes or complaints about the VR program from individuals that have been referred for due process resolution? Has there been any confusion or difficulty determining which due process system should be involved?

* *

(IV) Cross-Informational Training

- 1.98 ____ YES ____ NO Has inter-component training been provided or is it planned to be provided for both VR and non-VR program staff at the One-Stop Center (§101(a)(11)(A)(i) of the Act)? If so, does the inter-component training provide for non-VR program staff to be trained regarding working with individuals with disabilities? About the role and function of the VR program? Does the inter-component training

provide for VR program staff to be trained regarding the needs of other program populations and the role and function of other partner programs and services?

* *

- O** 1.99 ____ YES ____ NO Is there a need for additional inter-component training (§101(a)(11)(A)(i))? For whom? On what topics? How should the VR program participate in such training?

* *

(V) Referral Methods

- 1.100 ____ YES ____ NO Are there One-Stop Center or Local Board policies and procedures that specify referral procedures between the VR program and the title I WIA programs (34 CFR 361.37 and §101(a)(20) of the Act)? Between the VR program and other partner programs? Are the procedures reciprocal? Explain.

**

- O** 1.101 ____ YES ____ NO If the One-Stop Center has established a common intake process that refers individuals after intake to all programs, review the referral information made available to the VR program. Is it sufficient to establish the individual as an applicant for VR services?

* *

- O** 1.102 If there is a common intake process, describe the referral process from entry into the One-Stop Center until the referral reaches the VR counselor. How long does it take to complete the intake process and get the referral to the VR program? How long does it take before an individual actually sees a VR counselor? How long does it take to determine eligibility (§101(a)(20) and §102(a) of the Act)?

* *

- O** 1.103 What improvements could be made in the intake process to make it more effective for individuals served by the VR program?

* *

(VI) Universal Access/Accessibility

- 1.104 ____ YES ____ NO Has the One-Stop Center substantially implemented requirements for universal access and accessibility for people with disabilities?

In making this determination, consider if the One-Stop Center is accessible in the following ways?

- Accessible by public transportation?
- Meets standards for physical accessibility of the building? What standards are applied? How does the One-Stop Center maintain compliance to the standards?
- Computer applications are fully accessible, with accommodations for individuals with visual impairments, individuals who need a physically adjustable workstation, and individuals who need personal assistance to understand and use the system?
- Are programs and services fully accessible and are accommodations available?
- Are interpreters available for people who are deaf or hard of hearing?

Evidence of accessibility review by appropriate state or local bodies and other evidence, such as “Bobby approved” designations for computer applications, could be ways to determine whether the access requirements are met. If no such evidence is available or full access is not found, referral to appropriate bodies for such reviews might be an appropriate recommendation to the One-Stop Center management and the Local Board.

Note: “Bobby approved” is a designation that implies that a web site is accessible through assistive software applications such as speech programs. Bobby is a software program that runs a check on a page and gives an accessibility rating as well as making recommendations for improvement. In theory, the changes are made and Bobby is checked again, and when the access rating reaches a certain level, the Bobby symbol can be used on the page to indicate basic accessibility of the page. For more information, go to the web site www.cast.org.

* *

- W 1.105 ____ YES ____ NO Are eligible service providers required to be fully accessible and to meet the areas of accessibility mentioned above? Check Local Board policies for eligible provider application requirements. Providing an assurance regarding compliance with the ADA and §504 of the Act should be a minimum requirement for application to be an eligible provider. Recommendations to the Local Board that

application requirements should go beyond requiring a minimum assurance may be appropriate.

* *

- O** 1.106 ____ YES ____ NO Is such accessibility verified, either at application or as part of any ongoing review of eligible providers? How?

* *

- W** 1.107 ____ YES ____ NO Do all programs at the One-Stop Center recognize the obligation to serve individuals with disabilities who are otherwise eligible for their program?

* *

- W** 1.108 ____ YES ____ NO One proxy indicator of access, programmatic and otherwise, is use (§101(a)(11)(A)(i)(II) of the Act). Does the One-Stop Center have records of the use of core, intensive and training services provided by WIA funds and use of the partner programs and services by individuals with disabilities. If so, consider whether the use of programs by individuals with disabilities seems reasonable given the overall participation rate in those programs or services. If individuals with disabilities do not seem to use programs at reasonable rates, ask about what the barriers to participation might be. (Some barriers may be inherent in the program as opposed to access issues). Please describe.

* *

- 1.109 ____ YES ____ NO Has the One-Stop Center setting proven to be fully physically accessible to individuals with disabilities served by VR in terms of the access to the VR program and VR program staff (§101(a)(11)(A)(i)(II) of the Act)? That is, can VR participants get to see the VR staff, use the public areas of the One-Stop Center when visiting the VR staff, etc.?

* *

- W** 1.110 ____ YES ____ NO Are the other programs and services of the One-Stop Center fully accessible to all individuals with disabilities? Consider access to core services, computer based services, availability of assistance for “self-help” services, access of individuals with disabilities to intensive and training services provided with WIA funds, and access to the programs and services of the other One-Stop Center partner programs.

* *

- O** 1.111 ____ YES ____ NO Does the DSU have a role in assisting the One-Stop Center to become fully accessible? Has the DSU provided technical assistance and advice regarding access (§101(a)(11)(A)(i)(II))?

* *

- 1.112 ____ YES ____ NO Has the DSU provided funds for access? If funds were provided, provide the justification supporting the DSU's decision to participate in funding, describe how funds were used and the benefits that accrued to the VR program, and explain whether the level of participation is proportionate to the benefits to the program.

* *

(VII) Organizational Requirements

- 1.113 ____ YES ____ NO Are DSU staff represented on the Local Board (WIA §117(b)(2)(A)(vi))? If NO, is there a mechanism for their input?

* *

- O** 1.114 ____ YES ____ NO Does the One-Stop Operator or the Local Board affect the ability of VR program officials to effectively supervise VR staff (34 CFR 361.13)? If YES, please describe.

* *

- 1.115 ____ YES ____ NO Does the One-Stop Operator or the Local Board impact the VR program through policies, procedures, or decisions related to the provision of services to individuals? Have those efforts affected the ability of VR program officials to make decisions related to the VR program (34 CFR 361.13(c))? If YES, describe.

* *

(VIII) Confidentiality

- 1.116 ____ YES ____ NO Does the One-Stop Center require sharing of individual personal information, either through a shared data system or through other procedures? If so, are there adequate safeguards for the protection of individual privacy for people served by the VR program? For example, are there assurances that firewalls or program security measures will be put in place when shared data systems are to be developed (34 CFR 361.38)?

* *

- 1.117 ____ YES ____ NO If the shared data system is operational, does the system demonstrate that all protections assured in the MOU or in other agreements are actually in place?

* *

- 1.118 ____ YES ____ NO Does the VR program protect the confidentiality of information shared by people receiving services? Consider private office space for interviews and counseling sessions, secure storage areas for service records, etc. (34 CFR 361.38).

* *

(IX) Accountability

- 1.119 ____ YES ____ NO Does the VR program report performance outcomes to the One-Stop Center operator or the Local Board?

* *

- 1.120 ____ YES ____ NO Is this information used by the VR program at the local level? At the State level? How? Is this information used for purposes of a State management information system?

* *

- 1.121 ____ YES ____ NO Is this information used by the workforce investment system at the Center level? At the Local Board level? At the state WIA level? Describe how.

* *

- 1.122 ____ YES ____ NO Does the One-Stop operator use outcome information from the VR system as part of the total outcomes to be reported as successful outcomes under WIA (WIA §136 (c)(1)(A)(ii))? Do they count as WIA outcomes individuals who received only services from the VR system, or must the individuals also have received services under WIA?

* *

(X) Funding

Note: The questions to be used during the on-site review of issues regarding the funding of the One-Stop Center will be based on the analysis of the MOU Document Review in Section II of this guidance.

Interview Questions

The following questions are to be used in interviewing persons served by VR program staff in the One-Stop Center. The reviewer may wish to ask additional questions as deemed appropriate. Since only one set of responses will be provided to the RSA Central Office, the RSA reviewer is asked to submit the results of an interview that is most representative of the questions asked.

- ☐ 1.123 ____ YES ____ NO When you first came to the One-Stop Center, were you referred to the VR program in what you consider to be a timely manner?

* *

- ☐ 1.124 ____ YES ____ NO Did you come to the One-Stop Center specifically to receive services from the VR program? If NO, did you find out about the VR program from One-Stop Center staff? Describe.

* *

- ☐ 1.125 ____ YES ____ NO Did you receive services from the One-Stop Center that were provided by the VR program? If so, were you able to access program services and get any needed accommodations so that you could use the services?

* *

- ☐ 1.126 ____ YES ____ NO Do you know if you received services from the One-Stop Center that were not provided by the VR program? If you did, did you have any difficulty accessing services at the One-Stop Center or getting any necessary accommodations to allow you to use those services?

* *

- ☐ 1.127 ____ YES ____ NO Were necessary accommodations provided at the One-Stop Center? If NO, explain.

* *

- ☐ 1.128 ____ YES ____ NO Did you find the non-VR One-Stop staff to be at least somewhat knowledgeable about disability issues, including accessibility issues, when working with you?

* *

- ☐ 1.129 ____ YES ____ NO Did you find the VR program staff to be knowledgeable about disability issues, including accessibility?

* *

Section IV. Service Record Review Guidance

SERVICE RECORD REVIEW SHEET INSTRUCTIONS

The instructions below are to assist the reviewer in making consistent responses to the service record review questions being posed. Questions are fully stated below, while the **Service Record Review Sheet** contains abbreviated questions. When responding to a question, the reviewer must consider the complete question listed in these instructions.

The DSU's policy and procedures describe how the State implements and documents its compliance with the service provision requirements in the law and applicable regulations. The reviewer must consider State policy and procedures that implement regulatory and statutory requirements. Prior to the review of service records, the reviewer should assess State policy to ensure its consistency with statutory and regulatory requirements to determine the specific procedures the State has in place to implement the service provision requirements.

I. ELIGIBILITY/ORDER OF SELECTION DETERMINATIONS

1. (a) If the applicant is an SSI recipient or SSDI beneficiary, was the individual presumed eligible for VR services (§102(a)(3)(A)(ii))?

If YES, skip (b) and go to question 2.

- (b) If the applicant was an SSI recipient or SSDI beneficiary and was considered too severely disabled to benefit from VR services in terms of an employment outcome, did the DSU utilize trial work experiences (§102(a)(2) and (3))?

FOR A SERVICE RECORD IN WHICH THE INDIVIDUAL IS NOT AN SSDI BENEFICIARY OR SSI RECIPIENT, SKIP QUESTION 1 AND GO DIRECTLY TO QUESTION 2.

2. Does the service record contain documentation to support that the individual:
 - (a) Has a physical or mental impairment that constitutes or results in a substantial impediment to employment for the individual (§7(20)(A))?
 - (b) Requires VR services to prepare for, secure, retain, or regain employment (§102(a)(1)(B))?
3. (a) Was the eligibility determination made within 60 days of the individual's application (§102(a)(6)(A))?

Review State application policy and procedures to ensure that they are compliant with 34 CFR 361.41(b).

If YES, skip (b) and go to question 4.

- (b) If not, did the counselor and the individual agree to extend the time for making the eligibility determination (§102(a)(6)(A))?
- 4. For an individual determined to have a significant or most significant disability, does the service record contain documentation to support that the:
 - (a) Determination is consistent with §7(21)?

Review the agency's criteria for determining if an individual has a "most significant disability."

- (b) Significance of the disability is appropriately coded?

FOR A SERVICE RECORD IN WHICH THE INDIVIDUAL WAS NOT DETERMINED TO BE AN INDIVIDUAL WITH A SIGNIFICANT OR MOST SIGNIFICANT DISABILITY, SKIP THIS QUESTION AND GO TO QUESTION 5.

- 5. If the State VR agency is operating under an order of selection, does the service record show that the individual was served in accordance with the State VR agency's order of selection (§7(22) and 101(a)(5)(A))?

FOR AN AGENCY NOT ON AN ORDER OF SELECTION, SKIP THIS QUESTION AND GO TO QUESTION 6.

II. SERVICE PLANNING AND DELIVERY

- 6. Is the employment outcome stated on each IPE consistent with the individual's:
 - (a) Strengths, resources, abilities, capabilities, priorities and concerns (§102 (b)(3)(A) of the Act and PD 97-04, dated August 12, 1997)?

If NO, please comment.

- (b) Interests and informed choice (§102 (b)(3)(A) of the Act and PD 97-04, dated August 12, 1997)?

If NO, please comment.

- 7. (a) Are all services planned on the IPE supportive of the individual achieving the planned employment outcome (§102(b)(3)(B)(i)(I))?
- (b) Are all the services needed to achieve the employment outcome included on the IPE (§102(b)(3)(B))?
- (c) In the most integrated settings appropriate to the services and consistent with the

informed choice of the individual (§102(b)(3)(B)(i)(II))?

If (c) is YES, skip (d) and go to question 8.

(d) If services are planned to be provided in a non-integrated setting, does the service record contain a justification for the non-integrated setting (34 CFR 361.47(g))?

8. Are all substantive changes in employment outcomes, VR services, and/or service providers reflected on the amended IPE (§102(b)(2)(E))?

Use NA if no substantive changes to the IPE were required.

9. Was the IPE reviewed at least annually (§102(b)(2)(E))?

Use NA if the date of the IPE being reviewed is prior to its required annual review.

III. EMPLOYMENT OUTCOME

10. Is the employment outcome consistent with the individual's:

(a) Strengths, resources, abilities, capabilities, priorities and concerns (34 CFR 361.56(b))?

If NO, please comment.

(b) Interests and informed choice (34 CFR 361.56(b))?

If NO, please comment.

11. Is the employment outcome in the most integrated setting possible, consistent with the individual's informed choice (34 CFR 361.56(c))?

12. Did the individual and the counselor:

(a) Consider the employment outcome to be satisfactory (34 CFR 361.56(e))?

If NO, please comment.

(b) Agree that the individual is performing well in the employment (34 CFR 361.56(e))?

If NO, please comment.

13. Does the service record reflect that the individual achieved the planned or a closely related employment outcome?

14. Did the VR services contribute to the individual's achievement of the employment outcome (34 CFR 361.56(a))?

15. Did the individual maintain the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs VR services (34 CFR 361.56(d) and (e))?
16. For an individual who achieved a competitive employment outcome, is there verification that the:
- (a) Individual is compensated at or above the minimum wage (34 CFR 361.47(i) and 361.5(10)(ii))?
 - (b) Level of benefits are not less than that customarily paid by the employer for the same or similar work performed by individuals who are not disabled (34 CFR 361.47(i) and 361.5(10)(ii))?

FOR A SERVICE RECORD IN WHICH THE INDIVIDUAL DID NOT ACHIEVE A COMPETITIVE EMPLOYMENT OUTCOME, SKIP THIS QUESTION AND GO TO THE SUMMARY REVIEW.

IV. SUMMARY REVIEW

17. Overall, were the counselor's efforts timely in addressing the employment needs of the individual?

YES - The eligibility determination process, plan development, service delivery and overall contacts with the individual were carried out in a timely manner, i.e., no undue or unwarranted delays.

1. Did the VR program play a significant role in assisting the individual to achieve the planned employment outcome?

YES - Examples of significance could be the provision of vocational exploration and labor market information resulting in the selection of an appropriate employment outcome; employer contact to assist the individual in securing employment; vocational guidance including job seeking skills, job development, and follow-up to ensure job satisfaction and suitability; etc. It is suggested that the reviewer comment on successful practices.

Use NA for the review of service records in which the individual is in an active status category.

2. Was the achievement of a high quality employment outcome the driving force throughout the VR process as reflected in the record of service?

SERVICE RECORD REVIEW GUIDE

VR AGENCY _____ RECORD # _____
REVIEWER _____ STATUS _____
DATE OF REVIEW _____ DISABILITY: NS ☐ SD ☐ MSD ☐ OSS ☐
DATE OF APPLICATION _____ ELIGIBILITY DETERMINATION DATE _____

The questions below are abbreviated. Please refer to the **Service Record Review Sheet**

Instructions for the fully stated questions and the statutory and regulatory citations.

I. ELIGIBILITY/ORDER OF SELECTION DETERMINATIONS

Yes No NA

1. (a) If the applicant is an SSI recipient or SSDI beneficiary, was the individual presumed eligible for VR services? ☐ ☐
- (b) If **NO**, was a trial work experience used because the individual was considered too severely disabled to benefit from VR services in terms of an employment outcome? ☐ ☐
2. Is there documentation to support that the applicant:
 - (a.) Has a physical or mental impairment that is a substantial impediment to employment? ☐ ☐
 - (b) Requires VR services? ☐ ☐
3. (a) Was the eligibility determination made within 60 days of the individual's application? ☐ ☐
- (b) If NO, did the counselor and the applicant agree to an extension? ☐ ☐
4. (a) For an individual determined to have a significant or most significant disability, does the service record documentation support the determination? ☐ ☐
- (b) Is the significance of the disability properly coded? ☐ ☐
5. If there is an Order of Selection, was the individual served according to the selection priority assigned? ☐ ☐

REVIEWER'S COMMENTS

II. SERVICE PLANNING AND DELIVERY

6. Is the employment outcome stated on the IPE consistent with the individual's:
- (a) Strengths, resources, abilities, capabilities, priorities, and concerns? ☐ ☐
 - (b) Interests and informed choice? ☐ ☐
7. Are the services on the IPE: **Yes No NA**
- (a) Supportive of the individual achieving the planned employment outcome? . ☐ ☐
 - (b) Necessary to the achievement of the employment outcome? ☐ ☐
 - (c) In the most integrated settings appropriate to the services and consistent with the informed choice of the individual? ☐ ☐
 - (d) If **NO**, is there a justification for the non-integrated setting? ☐ ☐
8. Are all substantive changes in employment outcomes, VR services or service providers reflected on an amended IPE? ☐ ☐ ☐
9. Was the IPE reviewed at least annually? ☐ ☐ ☐

REVIEWER'S COMMENTS

III. EMPLOYMENT OUTCOME

10. Is the employment outcome consistent with the individual's unique:
- (a) Strengths, resources, abilities, capabilities, priorities, and concerns? ☐ ☐
 - (b) Interests and informed choice? ☐ ☐
11. Is the employment outcome in the most integrated setting possible, consistent with the individual's informed choice? ☐ ☐
12. Did the individual and the counselor:
- (a) Consider the employment outcome to be satisfactory? ☐ ☐
 - (b) Agree that the individual is performing well on the job? ☐ ☐
13. Did the individual achieve the planned or a closely related employment outcome? ☐ ☐

- ## REVIEWER'S COMMENTS

Yes No NA

- RSA FINAL May, 2001

FOCUS AREA II

Evaluation Standards and Performance Indicators

Introduction

This section provides guidance to performance-based monitoring activities required of RSA as a result of the publication of the regulations that promulgated the Evaluation Standards and Performance Indicators on June 5, 2000. These regulations implement requirements in §106 of the Rehabilitation Act of 1973, as amended. In addition to the guidance in this section, RSA staff will be provided more detailed guidance and training on how to monitor and provide technical assistance to a State VR agency regarding its performance on the Standards and Indicators.

As part of the required annual reviews, RSA staff will discuss with the State VR agency its performance as recorded on the Standards and Indicators Report, based on FY 1999 RSA-911 data. Staff will especially work with State VR agencies that: (1) fail either or both Standards I and II; (2) fail to meet one or more indicators but pass Standard I; or (3) narrowly pass one or more indicators. The annual review for those States will focus on those implementation areas that may be affecting low performance on the particular indicator(s).

A report of all DSUs' performance, the standard, the national mean and the national median will be provided to all DSUs. The RSA staff will receive in addition a more detailed set of tables with the numbers that were used to arrive at the Standards and Indicators performance report. The Standards and Indicators are described in more detail below.

Section I. Standards and Indicators for the VR Program

To achieve successful performance on Evaluation Standard I, a DSU must meet or exceed the performance levels established for four of the six performance indicators, including meeting or exceeding the performance levels for two of the three primary indicators (Performance Indicators 1.3, 1.4, and 1.5).

Evaluation standard is the performance level stated in regulation that a DSU must attain in order to meet an acceptable level of performance in serving individuals with disabilities under the VR program. Currently RSA has published standards for six indicators under Evaluation Standard I and one indicator for Evaluation Standard II.

Performance indicators establish the performance areas that RSA has identified to measure the efficacy of a DSU's performance in serving individuals with disabilities under the VR program. Currently the six indicators under Evaluation Standard I measure the quality of employment outcomes, and the indicator under Evaluation Standard II measures equal access to VR services for minorities.

Performance data for Evaluation Standards I and II is aggregated and reported for each fiscal year beginning with FY 1999. However, for Standard I, DSUs that exclusively serve individuals who are blind or visually impaired annually report aggregated data for the 2 previous years, with the second year coinciding with the performance period for general or combined DSUs.

Evaluation Standard 1-- Employment Outcomes.

A DSU must assist any eligible individual, including an individual with a significant disability, to obtain, maintain, or regain high-quality employment.

- **Performance Indicator 1.1.** The number of individuals exiting the VR program who achieved an employment outcome during the current performance period compared to the number of individuals who exit the VR program after achieving an employment outcome during the previous performance period.
- **Required Performance Level:** DSU must equal or exceed previous performance period.
- **Performance Indicator 1.2.** Of all individuals who exit the VR program after receiving services, the percentage who are determined to have achieved an employment outcome.
- **Required Performance Level:** For the general and combined DSUs, the level is 55.8%; for agencies serving individuals who are blind or visually impaired, the level is 68.9%.
- **Performance Indicator 1.3.** Of all individuals determined to have achieved an employment outcome, the percentage who exit the VR program in competitive, self-, or business enterprise program (BEP) employment with earnings equivalent to at least the minimum wage. **This is a primary indicator.**
- **Required Performance Level:** For the general and combined DSUs, the level is 72.36%; for agencies serving individuals who are blind or visually impaired, the level is 35.4%.
- **Performance Indicator 1.4.** Of all individuals who exit the VR program in competitive, self-, or BEP employment with earnings equivalent to at least the minimum wage, the percentage who are individuals with significant disabilities. **This is a primary indicator.**
- **Required Performance Level:** For the general and combined DSUs, the level is 62.4%; for agencies serving individuals who are blind or visually impaired, the level is 89.0%.
- **Performance Indicator 1.5.** The average hourly earnings of all individuals who exit the VR program in competitive, self-, or BEP employment with earnings levels equivalent to at least the minimum wage as a ratio to the State's average hourly earnings for all individuals in the State who are employed (as derived from the Bureau of Labor Statistics report "State Average Annual Pay" for the most recent available year). **This is a primary indicator.**
- **Required Performance Level:** For the general and combined DSUs, the level is a ratio of .52; for agencies serving individuals who are blind or visually impaired, the ratio is .59.
- **Performance Indicator 1.6.** Of all individuals who exit the VR program in competitive, self-, or BEP employment with earnings equivalent of at least the minimum wage, the difference between the percentage who report their own income as the largest single source of economic support at the time they exit the VR program and the percentage who report

their own income as the largest single source of support at the time they apply for VR services.

- **Required Performance Level:** For the general and combined DSUs, the level is a mathematic difference of 53.0; for agencies serving individuals who are blind or visually impaired, the level is a difference of 30.4.

Evaluation Standard 2--Equal Access to Services.

A DSU must ensure that individuals from minority backgrounds have equal access to VR services.

- **Performance Indicator 2.1.** The service rate for all individuals with disabilities from minority backgrounds as a ratio to the service rate for all non-minority individuals with disabilities.
- **Required Performance Level:** All agencies must attain a ratio level of .80. If a DSU's performance on Indicator 2.1 does not meet or exceed the required level, or if fewer than 100 individuals from a minority population have exited the VR program during the reporting period, the DSU must describe the policies it has adopted or will adopt and the steps it has taken or will take to ensure that individuals with disabilities from minority backgrounds have equal access to VR services.

Monitoring Activities

While there is no single monitoring activity that can comprehensively assess a State VR Agency's performance in terms of employment, a combination of several relevant activities can provide a reasonably good indication of the State VR agency's compliance with laws and regulations and its performance in implementing the VR program. In some cases, the reviewers may find that a State VR agency runs an excellent program that is reflected in its performance. The characteristics of the exemplary program can be identified and disseminated so that others may replicate those areas. In other cases, the reviewers may find reasons for low performance that may be addressed with appropriate technical assistance.

RSA will continue to examine State VR agency policies, procedures, and guidance materials related to the achievement of employment outcomes. This year RSA will analyze selected VR program data that will provide direction to the reviews of policies, procedures, and guidance materials specific to each State VR agency. After examining the detailed program data for each State VR agency, the State representative may wish to request further data runs.

Look for trends in the State VR agency's data over recent years and also compare various aspects of employment outcomes with other similar agencies. Following each indicator are some suggestions for further review and questions to help determine the underlying factors contributing to State VR agency performance. The reviewer, because of his/her knowledge and experience with the State VR agency, will undoubtedly have other relevant insights that should

be documented. **Following are some suggested specific activities that might be undertaken to examine the State VR agency data:**

- Ask the Field Service Director for his or her thoughts on why the DSU failed on the specific indicators.
- Ask the agency's program evaluator for the same information above.
- Use the above two answers to guide subsequent data collection/analysis in order to develop a hypothesis for the State agency's failure on the specific indicators.
- Examine sub-state level data. Is the failure on specific indicators reflected uniformly throughout the State or does it occur in specific portions of the State?
- If the failure is uniform, randomly select a half-dozen supervisors throughout the State. Call them and probe for their thoughts on reasons for the State agency's poor performance. Use the more specific instructions suggested in the next section under each indicator for guidance.
- If the failure is specific to certain areas, call supervisors and a few counselors in those areas. Use the more specific instructions suggested in the next section under each indicator for guidance.
- Review records, including management, fiscal and consumer service records, from the relevant locations to test the hypothesis on the reasons for the State agency's poor performance.

Section II. Factors to Consider When Reviewing Performance on Specific Indicators

When reviewing a State VR agency's low performance on specific indicators, it is important to note that the purpose of this review is to find a reason for the performance first, and then to determine if that reason is one that needs to be addressed, and also whether it is within the control of the State VR agency. When a State VR agency fails an entire standard there is probably a systemic reason for the poor performance however, when examining performance on a single indicator consider the immediate and environmental reasons that may affect the performance. Also, with regard to Standard I, RSA staff should consider whether the State VR agency's failure on a particular indicator is affected by its success on another, a situation accounted for under the regulations, given that State agencies need only pass 2 of 3 primary indicators and 4 of 6 indicators (under Standard I) overall.

Indicator 1.1 – Equal or increase employment outcomes

- How many individuals exiting the VR program achieved an employment outcome during the past year compared to the number of individuals who exited the VR program after achieving an employment outcome during the previous years?

If significantly increasing:

- Are there corresponding increases in the numbers of individuals served?
- Are there sufficient numbers of individuals with significant disabilities who are offered the opportunity to become employed?
- Are the significantly increasing numbers in 1.1 accompanied by decreasing numbers in competitive employment outcomes, 1.3?

If significantly decreasing:

- Does the State VR agency have sufficient staff and/or funding to maintain the level of services for individuals with disabilities in the State?
- Are there changes in the State VR agency's policies and/or procedures that account for the decreases?

Examine trends in employment outcomes at the State and sub-state levels. At the sub-state level, look for trends in outcomes in terms of those units that contribute most to the State agency's overall outcomes.

- Have those high-volume units had employment outcomes decline over time? If so, why?
- Are there external influences affecting performance such as higher unemployment figures at the local, State or National levels?

Look also at trends such as increases in applications for VR services.

- Have declines in applications resulted in lower total closures?

Indicator 1.2 – Of individuals whose service records were closed who had an active Individualized Plan for Employment (IPE), the percent obtaining employment

- How does the percentage of employed individuals who exit the VR program after receiving services compare to the previous years?
- With other similar States?
- The national average?

Explore whether the following factors could be contributing to low performance:

- Are there increasing numbers of individuals with significant disabilities accepted for services?

- Do consumers receive the individualized services they need or are a limited number of standardized services provided which may be inconvenient for many consumers to access?
- Do consumers lack solid on-going relationships with their counselors (e.g., due to agency reorganizations, excessive counselor turnover or excessively large caseloads)?

The Service Record Review of eligibility determination and services provided under the IPE may provide additional information around this issue.

- If the percentage of individuals who achieve employment is unusually high, how does the accompanying percentage of individuals with significant disabilities who achieve employment look?
- If the percentage of individuals who achieve employment is much lower, is the State VR agency being used as a provider of disability-related services for individuals with disabilities in the State with no regard to employment?

Examine the percentages of individuals obtaining employment at both the State and sub-state levels.

- Has there been excessive attrition at the sub-state level particularly in those units that contribute most to the State agency's overall closures?

Indicator 1.3 – Of individuals with employment outcomes, the percent with competitive employment

This indicator reflects RSA's concern that individuals with disabilities obtain high quality employment that is comparable to non-disabled individuals in the State, and not be routinely directed to work in extended employment, homemaker, or unpaid family work.

- Of all individuals determined to have achieved an employment outcome, what percentage exit the VR program in competitive, self-, or BEP employment with hourly earnings equivalent to at least the minimum wage? This item identifies individuals with "Competitive Employment" as defined in the 1998 amendments.

Examine the proportion of extended employment, homemaker, or unpaid family work at the State and sub-state level. Examine policies, practices and procedures relating to these types of closures.

- Do disproportionate numbers of individuals obtain these non-competitive employment outcomes?
- Are there policies that encourage these types of closures?
- Are homemakers a significant percentage of all new applicants?

- Does the State VR agency make available rehabilitation technology services to its consumers so they may compete on a more even "playing field" when obtaining employment?
- Assuming that individuals with disabilities want "good" employment, is there evidence to indicate that the State VR agency is responsive to consumer choice?

Indicator 1.4 - Of individuals in competitive employment, the percent with significant disabilities

This item reflects RSA's commitment to promoting the employment of individuals with disabilities, especially individuals with significant disabilities, in fulfilling their aspirations for meaningful and gainful employment.

Examine the proportion of individuals in the caseload who have significant disabilities. Compare the distribution of individuals with significant disabilities in the various employment outcome categories.

- Are individuals with significant disabilities adequately represented in "Competitive Employment?"
- What are the State agency's policies, practices and procedures relating to significant disability?
- Does the State agency underreport (or over report) significant disability?
- Does the State agency tend to under serve individuals with certain types of disabilities or conditions that tend to be closely related to significant disabilities (e.g., severe mental illness, blindness, receipt of SSI/SSDI)?
- Are there sufficient numbers of individuals with significant disabilities determined eligible and provided services in the State VR agency?
- Does the service record review show that consumers coded "with significant disabilities" are truly individuals with significant disabilities as defined in law?
- Do interviews with VR counselors, consumers, CAP personnel, SRC members, etc., indicate concerns that the State VR agency is not serving individuals with significant disabilities?

Indicator 1.5 – VR average wage as a ratio of the State's average wage

Compare the average hourly wage of all individuals with "Competitive Employment" outcomes from the VR program with the average hourly wage of all workers in the State as determined by the Department of Labor. The national average for persons exiting the VR program appears to be just over half the State average wage; however, there is a wide variation among States.

- Examine the State VR agency's own trends over time. Is there a great variance?

- If the percentage is comparatively low, is the State VR agency steering consumers to low level jobs?

Examine the types of employment that individuals obtain – particularly the percentages who obtain professional, managerial, technical employment (nationwide average is 23.6%), clerical/sales (nationwide average is 21.8%) and service (nationwide average is 23%).

- If professional, managerial and technical employment is underrepresented, what is the degree to which the State agency provides significant high-level training to consumers?

Examine the VR consumers' level of education. Nationally, VR consumers with 11.4 years of education earn \$5.00 per hour or less. Consumers with an average of 13.1 years of education earn \$9.00 per hour or more.

- What proportion of VR consumers obtain post-secondary educational training or degrees?

It is also important to examine sub-state data to identify and take into account the State's major centers of economic activity.

- Is the VR consumer population proportionately represented in the most economically active areas?

Indicator 1.6 – Difference in self-support from application to closure

This item measures the impact of the VR program on the ability of individuals with disabilities served by the VR program to become self-sufficient. Consistently low numbers may suggest an ineffective VR program in the State.

Examine the proportion of individuals who are working in competitive employment at application. If that proportion is high, the State's performance on Indicator 1.6 may be depressed.

- Is the State serving sufficient numbers of individuals who are not employed and wish to find employment?
- Is the State serving large numbers of SSI/SSDI recipients?

Indicator 2.1 – A comparison of the number of individuals from minority backgrounds receiving services expressed as a ratio to the number of non-minority individuals receiving services

For the Standards and Indicators, "Individuals from a minority background" means individuals who report their race and ethnicity in any of the following categories: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, Hispanic or Latino.

Data tables will be provided to show service rates for race/ethnicity and disability. Engage in dialog with State VR agency staff and others to identify concerns regarding equal access to services in geographic locations within the State. Reviewers will need to identify the unserved or underserved groups for the State.

- How does the data correlate with the State VR agency's State plan and other goals and objectives pertaining to unserved and underserved populations?
- Are there concomitant differences in costs associated with service delivery patterns?

Section III. Calculations for Indicators

Indicator 1.1:

Data element: RSA -911: Item 38 (record position 121), code 3

Calculation:

Subtract the number of individuals who exited the VR program in employment (item 38, code 3) in the prior year from the number of individuals who exited the VR program in employment for the current year.

Indicator 1.2:

Data element: RSA-911: Item 38 (record position 121), codes 3 and 4

Calculation:

1. Divide the number of individuals who exited the VR program in employment (item 38, code 3) by the number of individuals who exited the VR program after receiving services (item 38, code 3 + code 4)

Indicator 1.3:

Data elements: RSA-911: Item 38 (record position 121), code 3
Item 33 (record position 110) codes 1, 3, and 4
Item 34 (record position 111-113)
Item 35 (record position 114-115)

Calculation:

1. For each individual who exited the VR program in competitive, self-, or BEP employment (item 33, code 1+ code 3 + code 4), divide earnings in the week before closure (item 34) by the number of hours worked in the week before closure (item 35) to obtain an hourly wage.

2. Remove from this calculation all cases where the hourly wage is less than the minimum wage to obtain the number of individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage.
3. Divide the number of individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage (paragraph 2 above) by the total number of individuals who exited the VR program in employment (item 38, code 3).
4. Multiply the result by 100.

Indicator 1.4:

Data elements: RSA-911: Item 33 (record position 110), codes 1, 3, and 4
 Item 34 (record position 111-113)
 Item 35 (record position 114-115)
 Item 46 (record position 135), code 1

Calculation:

1. For each individual who exited the VR program in competitive, self-, or BEP employment (item 33, code 1+ code 3 + code 4), divide earnings in the week before closure (item 34) by the number of hours worked in the week before closure (item 35) to obtain an hourly wage.
2. Remove from this calculation all cases where the hourly wage is less than the minimum wage to obtain the number of individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage.
3. Of the individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage (paragraph 2 above) identify those whose disabilities are significant (item 46, code 1).
4. Divide number of individuals whose disabilities are significant (paragraph 3 above) by the total number of individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage (paragraph 2 above).

Indicator 1.5:

Data elements: RSA-911: Item 33 (record position 110) codes 1, 3, and 4
 Item 34 (record position 111-113)
 Item 35 (record position 114-115)
 [Bureau of Labor Statistics Report "State Average Annual Pay" (URL <http://stats.bls.gov/news.release/annpay.t01.htm>)]

Calculation:

1. For each individual who exited the VR program in competitive, self-, or BEP employment (item 33, code 1+ code 3 + code 4), divide earnings in the week before closure (item 34) by the number of hours worked in the week before closure (item 35) to obtain an hourly wage.
2. Remove from this calculation (paragraph 1) all cases where the hourly wage is less than the minimum wage.
3. Add all the hourly wages of individuals who exited the VR program in competitive, self, or BEP employment with earnings equivalent to at least the minimum wage (paragraph 2 above) and divide the sum by the total number of individuals for whom you calculated an hourly wage, to obtain the average hourly earnings for all individuals who exited the VR program in competitive, self, or BEP employment with earnings equivalent to at least the minimum wage.
4. Divide the state's average annual pay, as identified by the Bureau of Labor Statistics, by 2000 to obtain average hourly earnings for all individuals in the state who are employed.
5. Divide average hourly earnings for all individuals who exited the VR program in competitive, self, or BEP employment with earnings equivalent to at least the minimum wage (paragraph 3 above) by average hourly earnings for all individuals in the state who are employed (paragraph 4 above) to obtain the ratio.

Indicator 1.6:

Data elements: RSA-911: Item 33 (record position 110) codes 1, 3, and 4
 Item 34 (record position 111-113)
 Item 35 (record position 114-115)
 Item 22 (record positions 61-62), code 00
 Item 37 (record positions 119-120), code 00

Calculation:

1. For each individual who exited the VR program in competitive, self-, or BEP employment (item 33, code 1+ code 3 + code 4), divide earnings in the week before closure (item 34) by the number of hours worked in the week before closure (item 35) to obtain an hourly wage.
2. Remove from this calculation all cases where the hourly wage is less than the minimum wage to obtain the number of individuals who exited the VR program in competitive, self- or BEP employment with earnings equivalent to at least the minimum wage.
3. Of the individuals from paragraph 2 above, divide the number who reported their own income as their primary source of support at application (item 22, code 00) by the total number of individuals (paragraph 2 above) and multiply by 100.

4. Of the individuals from paragraph 2 above, divide the number who reported their own income as their primary source of support at exit from the VR program (item 37, code 00) by the total number of individuals (paragraph 2 above) and multiply by 100.
5. Subtract the percentage of individuals who reported their own income as primary source of support at application (paragraph 3 above) from the percentage of individuals who reported their own income as primary source of support at closure (paragraph 4 above).

Indicator 2.1:

Data elements: RSA-911: Item 38 (record position 121), codes 3 and 4
 Item 8 (record position 27)
 Item 10 (record position 29)

Calculation:

1. Divide the number of individuals from minority backgrounds who exited VR the program after receiving services (item 8, codes 2, 3, or 4, or item 10, code 1; and item 39, codes 3 and 4) by the total number of individuals from minority backgrounds who exited the VR program (item 8, codes 2, 3, or 4, or item 10, code 1; and item 39, codes 1,2, 3, 4, 5, and 6) and multiply by 100 to obtain a service rate for minority individuals.
2. Divide the number of individuals from nonminority backgrounds who exited VR the program after receiving services (item 8, code 1; item 10, code 2; and item 39, codes 3 and 4) by the total number of individuals from nonminority backgrounds who exited the VR program (item 8, code 1 and item 10, code 2; and item 39, codes 1,2, 3, 4, 5, and 6) and multiply by 100 to obtain a service rate for nonminority individuals.
3. Divide the service rate for minority individuals (paragraph 1 above) by the service rate for nonminority individuals (paragraph 2 above).

FOCUS AREA III

Comprehensive System of Personnel Development

Central to the monitoring of a State VR agency's comprehensive system of personnel development (CSPD) is a thorough review of Attachment 4.11(b), the State plan attachment describing a State VR agency's CSPD. This State plan attachment must be updated annually. The CSPD State plan attachments submitted during FY 2001 cannot be approved until the questions below, at a minimum, are answered appropriately, reflecting a State VR agency's compliance with §101(a)(7) of the Rehabilitation Act of 1973, as amended. In addition, the State plan attachment submitted during FY 2001 must reflect progress toward meeting other CSPD requirements.

A basic step in monitoring a State VR agency's implementation of CSPD requirements would be to review the attachment approved during FY 2000 using, at a minimum, the questions below. RSA staff may need to obtain clarification of the language used in this attachment. Staff may also need to request additional information from a State VR agency to ensure that it is indeed complying with the policies articulated in its attachment.

This year, the annual review of CSPD focuses on ensuring that every State VR agency has an acceptable personnel standard for rehabilitation counselors – based upon degree requirements of the highest State or National licensing/certification/ registration requirements. The questions below are designed to help the reviewer to determine whether the State VR agency has such a standard. Background information on CSPD can be obtained from the following Web site:

www.ed.gov/offices/OSERS/RSA/PGMS.RT

(Click on "New, Comprehensive System of Personnel Development." The "Common CSPD Questions and Answers" may be particularly useful).

- 3.1 Lowest degree requirement: _____
What is the lowest degree required of rehabilitation counselors? (If the standard includes wording such as "a master's degree or a BA with 2 years of experience," the lowest degree requirement is a bachelor's degree. A phrase such as "MA preferred" does NOT constitute a requirement). If the standard reads "CRC" or "CRC eligible" then enter CRC.
- 3.2 _____ State _____ National Is the standard based upon a State or a National licensing/registration/certification standard? (If uncertain, contact the State VR agency director and request written clarification).
- If the answer is "State," ask for a copy of the standard and answer the following questions²:
- 3.3 _____YES _____NO Is the standard specific to the profession of rehabilitation counseling (as opposed to another type of counselor or a category of professionals that includes rehabilitation counselors in addition to other professionals)?

3.4 _____YES _____NO Is the standard part of a legitimate licensing/certification or registration standard (these usually involve an independent board and an examination)?

3.5 _____YES _____NO Is the standard stated in the CSPD plan consistent with the degree standard as stated in the licensing/certification or registration requirement?

The answer to 3.3, 3.4 and 3.5 must be YES to approve the CSPD plan.

If the answer to question 3.2 is “National”:

3.6 _____YES _____NO Is the State standard a Master’s degree, CRC eligible or CRC?

3.7 _____YES _____NO If a Master’s degree, is it consistent with CRCC requirements (MA in rehabilitation counseling or MA in any field with certain CRCC-specified coursework -- see “Common CSPD Questions and Answers” document for details -- it can be pulled down from the web)?

The answer to 3.6 and 3.7 must be YES to approve the CSPD plan.

3.8 _____YES _____NO Does the standard allow for grandfathering?

The answer must be NO to approve the CSPD plan.

3.9 _____YES _____NO Does the CSPD plan include plans with timelines that require the training of all counselors to the standard (plans that state that “training is available...” or other vague phrases are not acceptable)?

The answer must be YES to approve the CSPD plan.

Generally, the State VR agency must hire all new counselors at the State standard. However, it is acceptable for a State VR agency to hire below the standard if the State has a justifiable reason such as a lack of a recruiting pool, hiring for diversity, etc., low pay scale, etc. However, in such cases the plan must still identify a clear standard consistent with CSPD requirements. It must also identify a minimal standard for exceptions and include clear plans for the immediate training of such hires to bring them up to the standard.

3.10 _____YES _____NO If the plan provides for “exceptions,” does the plan include a minimal standard for these exceptions?

3.11 _____YES _____NO If YES, does it include plans to expeditiously train such staff to the required standard?

3.12 _____YES _____NO If YES, has the State VR agency made substantial progress in implementing its plans?

- 3.13 _____YES _____NO The plan must also include effective actions the State VR agency is taking to expeditiously eliminate the need for such exceptions. If the plan calls for “exceptions,” does the plan include such actions?
- 3.14 _____YES _____NO If YES, has the State VR agency made substantial progress in implementing its plans?

The answer to 3.10, 3.11, 3.12, 3.13 and 3.14 must be YES to approve the CSPD plan.

²If there is more than one State licensing/certification/registration requirement, then the personnel standard for rehabilitation counselors must be based upon the highest set of standards. If a State VR agency specifies that its CSPD standard is based upon a State licensing/certification/registration requirement, the reviewer should make inquiry as to whether there is more than one licensing/certification/registration standard. If there is, has the State VR agency chosen the highest of these? A good source of information on this issue is rehabilitation counselor training programs.

FOCUS AREA IV

Eligibility

This year, RSA staff will monitor the VR program eligibility requirements during the annual reviews in the following manner:

- Follow up a State VR agency's implementation of corrective actions required as a result of its noncompliance with the following two statutory requirements related to an individual's eligibility for VR services that were reviewed during FY 2000:

Presumption of eligibility for VR services of allowed Social Security Disability Insurance (SSDI) beneficiaries and Supplemental Security Income (SSI) recipients; and

Use of trial work experiences.

- Review a number of service records, preferably during the on-site visit to a One-Stop Center, using the first five questions in Section I of the Service Record Review instrument.

Additional guidance useful in monitoring the eligibility requirements may be found in the RSA Monitoring Manual.

CONTACT INFORMATION

RSA monitoring and technical assistance guidance is available in various formats and may be obtained by contacting the RSA staff listed below. Much of the guidance will also be available at the RSA Web Site in the near future. The address for the RSA Web site is:
www.ed.gov/offices/OSERS/RSA/rsa.html.

Contact Ms. Teresa Washington at (202) 205-9413 for further information and assistance with regard to the Web Site.

The RSA Regional Commissioners and Regional Office State Representatives are available to answer questions regarding any of the programs funded under the Rehabilitation Act, as amended. The contact information is as follows:

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RSA continues to fund the National Vocational Rehabilitation Technical Assistance Center (NVRTAC) to provide technical assistance on matters not related to the development or interpretation of Federal vocational rehabilitation policy. NVRTAC arranges technical assistance in the following areas:

01. Data processing systems development;
02. Operations Analysis;
03. Service Delivery Studies;
04. VR Staff Training (in the TA areas provided by NVRTAC);
05. Strategy Development;
06. Acquisition of Specialized Equipment;
07. Technologies Related to VR Functions;
08. Internal Planning;
09. Management Consultations;
10. Organizational Development; and
11. Enhancement of Accounting and Auditing Systems.

State VR agency directors interested in obtaining TA with regard to any of the above areas may wish to contact:

For further information regarding RSA VR Program monitoring and technical assistance, contact:

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